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THE
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PLURALISM AND THE LAW

ABOUT the time the World War broke, a young British socialist, Mr. Harold Laski, began to formulate and offer, especially to American jurists and statesmen, what he denominated a pluralistic philosophy of law. Since it speaks frequently of justice, federalism, and democracy, it has been favorably received in many quarters. And because it finds its primary origin in the American philosopher William James,[1] it parallels the development of that pragmatic or instrumentalist philosophy which so widely characterizes American secular education. Indeed, both the pluralistic philosophy of law and the pragmatic philosophy of education not only look back to a common source, but they claim a common purpose as well in assuming the exclusive prerogative of preserving American democracy. Accordingly, since the pluralistic philosophy of law offers some promise of developing into the official philosophy of law in America, its doctrine and its implications invite serious examination.

There were, of course, rumblings of pluralism to be heard among the Nominalists of the Middle Ages, and idealists like Berkeley and Bradley come to mind in association with the

[1] Laski, H. J., in 29 *Harv. Law Rev.*, 425 (1916).

term. But it was William James, with his Hibbert Lectures on *A Pluralistic Universe*,[2] — almost a culmination of his life-long thinking, — who is the acknowledged author of the cosmology upon which the pluralistic theory of law is based. The development is, accordingly, one which is the work of our own time. Because of its lack of maturity, the problems it presents seem to invite predictions rather than final judgments. But if its principles be considered against the background of the classic schools of philosophic thought, perhaps the innovations it attempts will present fewer difficulties than appear at first glance. To obtain a clear understanding of Professor James' meaning, the quotation of his own words promises the most satisfactory approach.

Above all a physiological psychologist, Professor James never got very far away from the physical in arriving at his conclusions, and so he has close connections with empiricism as a way of thinking about the cosmos. "Empiricism," he says, "means the habit of explaining wholes by parts."[3] And then he goes on to distinguish empiricism from rationalism: "Rationalism means the habit of explaining parts by wholes." So there we have the old problem of the one and the many translated into concepts of meaning—into habits of mind—for teaching purposes. But the problem of the one and the many relates pertinently to the concept of unity, to the meaning of substance, to the essential distinction of mind and matter. In other words, how does the mind of man acquire a knowledge of the phenomena about him which he recognizes as something apart from himself? James, in these definitions, answers that problem not qualitatively but quantitatively, so that his cosmos is a series of phenomena all of one kind.

Surprisingly enough, however, "Rationalism," James goes on to say, "possesses affinities with monism, since wholeness goes with union, while empiricism inclines to pluralistic

[2] New York, 1909. [3] *A Pluralistic Universe*, 7.

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views."[4] This is a real innovation, since, until now, empiricism was associated with those who maintained that matter alone existed, thereby being classified as monists; while rationalists were thought of as those who recognized some distinction between phenomena and the mind which observed and recorded those manifestations, who were therefore considered dualists in distinguishing between matter and mind. James not only subscribes to a juxtaposition of rationalism and empiricism, but he further withdraws empiricism from its association with materialism and spiritualizes it, by recalling the immanence of the divine in all reality,—a confusion of theology with philosophy, it would seem, in which the handmaid unconsciously usurps the royal throne. James admits the intimation of pantheism when he says,

> Our contemporary mind having once for all grasped the possibility of a more intimate *weltanschauung*, the only opinions quite worthy of arresting our attention will fall within the general scope of what may roughly be called the pantheistic field of vision, the vision of God as the indwelling divine rather than the external creator, and of human life as part and parcel of that deep reality.[5]

But pantheism historically is as monistic as materialism, so in order to resolve that difficulty, James comes to the essence of pluralism:

> As we have found that spiritualism in general breaks into a more intimate and a less intimate species, so the more intimate species itself breaks into two subspecies, of which the one is monistic, the other pluralistic in form.[6]

And in amplification he adds,

> If we give to the monistic subspecies the name of philosophy of the absolute, we may give that of radical empiricism to its pluralistic rival.[7]

The problem of the one and the many then is solved by denying that any substantial difference exists between them. "The

[4] *Ibid.*, 8. [5] *Ibid.*, 30. [6] *Ibid.*, 31. [7] *Ibid.*, 35.

philosophy of the absolute agrees with the pluralistic philosophy . . . in that both identify human substance with the divine substance," says Professor James.[8] But even though the substance be one, our experience of it lacks unity. The phenomena we observe is not a universe but a multiverse and we reckon with a " nature more demonic than divine [which] is above all things *multifarious*." [9] In this cosmology, the significant, then, is not the one but the many, which is a manifestation of the one, — and the one is unnecessary to comprehend.

> Whereas absolutism thinks that the said substance becomes fully divine only in the form of totality, and is not its real self in any form but the *all*-form, the pluralistic view . . . is willing to believe that there may ultimately never be an all-form at all, that the substance of reality may never get totally collected, that some of it may remain outside of the largest combination of it ever made, and that a distributive form of reality, the *each*-form, is logically as acceptable and empirically as probable as the all-form commonly acquiesced in as so obviously the self-evident thing.[10]

Not the whole but the part, not the all-form but the each-form, is the significant element of reality to Professor James, which is a logical point of emphasis for a psychologist. But curiously enough, the theory, whatever its value, fell among sociologists, who immediately transformed its emphasis from the each-form to the all-form, and applying it to the concept of society, came to the conclusion that society was above all plural in form. It is upon these implications for sociology that the theory has been received as bearing upon law as a social science.

Indeed it is Professor James' friend,[11] Mr. Justice Holmes, who, as Dean Pound points out [12] is the real founder of the Sociological School of Jurisprudence in America, who supplied the impulse which brought sociology and law together. Holmes

[8] *Ibid.*, 34. [9] *Ibid.*, 22. [10] *Ibid.*, 34.

[11] Bent, *Justice Oliver Wendell Holmes, a biography.* New York, 1932, 35, 57 ff.

[12] Pound, *Interpretations of legal history.* New York, 1923, 10.

was influenced not only by James but by Montesquieu and by M. Gabriel Tarde, French jurist and social psychologist, toward this view. And since Holmes, no less than James, aroused Mr. Laski's admiration, the leadership he afforded the modification of American legal thought doubtless requires exposition here.

In a paper which has since become classic as the embodiment of Mr. Justice Holmes' views upon law, he said,

> I think that the judges themselves have failed adequately to recognize their duty of weighing considerations of social advantage . . . I cannot but believe that if the training of lawyers led them habitually to consider more definitely and explicitly the social advantage on which the rule they lay down must be justified, they sometimes would hesitate where now they are confident, and see that really they were taking sides upon debatable and often burning questions.[13]

This view, of course, preceded Professor James' definition of pluralism, and it was not the first time Justice Holmes had expressed similar views. In 1915, writing in the *Illinois Law Review*,[14] he said,

> It is fashionable nowadays to emphasize the criterion of social welfare as against the individualistic eighteenth century bills of rights. I may venture to refer to a book of mine published thirty-four years ago to show that it is no novelty.

The passage he refers to clearly demonstrates that in his philosophy, law exists for society and not for the individual. "No society," he says, "has ever admitted that it could not sacrifice individual welfare to its own existence." [15] Like his friend James, he fails to go behind appearances for the basis of his conclusions, and so justifies his position by pointing out that, "the ever-growing value set upon peace and the social relations tends to give the law of social being the appearance of

[13] "Path of Law," 10 *Harv. Law Rev.*, 467, 468 (1897); *Coll. leg. pap.*, 184.
[14] "Ideals and Doubts," *Coll. leg. pap.*, 307.
[15] *Common Law*, 43.

the law of all being." [16] Then reading the law with this preconception in mind, he decides,

> If this is a true account of the law as it stands, the law does undoubtedly treat the individual as a means to an end, and uses him as a tool to increase the general welfare at his own expense.[17]

But this is really not the law but politics, as he himself recognizes when he says, " Public policy sacrifices the individual to the general good." [18] The traditional idea of justice, then, which the common law as well as Justinian's Code proposes as a good, — the rendering to every one his own, — is transformed from a legal principle into a political instrument in Holmes' words: " Justice to the individual is rightly outweighed by the larger interests on the other side of the scales." [19]

There are certain similarities between Mr. Justice Holmes' attention to general interests at the expense of private interests, and M. Duguit's, which will be obvious later in the presentation of some of those features of the latter's thought which have also become ingredients in Mr. Laski's legal theory. But before leaving Mr. Justice Holmes, it should be pointed out, that in spite of his social emphasis in law, he halts before going along with Mr. Laski into the economic field. Not that he was uninterested in economics and its problems in relation to law. On the contrary, he was perhaps the first to point out the need for a knowledge of economics among the members of the legal profession,[20] but he did not believe that economic welfare and social welfare were interchangeable terms and he said so in his own priceless style.

> I believe that the wholesale social regeneration which so many now seem to expect, if it can be helped by conscious, coordinated human effort, cannot be affected appreciably by tinkering with the institution of property, but only by taking in hand life and trying to build a race.

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[16] *Ibid.*, 44. [17] *Ibid.*, 46. [18] *Ibid.*, 48. [19] *Ibid.*, 48.
[20] *Coll. leg. pap.*, 301 (1913).

That would be my starting point for an ideal for the law. The notion that with socialized property we should have women free and a piano for everybody seems to me an empty humbug.[21]

Earlier he had not failed to point out that "beside prosperity there is to be considered happiness, which is not the same thing."[22] Certainly his theory of the distribution of goods upon the basis of the consumer's capacity to use[23] merits discussion in any situation where socialism claims an exclusive program of justice through the diffusion of private property. If the pluralist conception of law is to be thought of as involving economic policy as well as social, as Laski defines it, then it would not be correct to include Mr. Justice Holmes within its ranks, but rather he is to be left, where Dean Pound placed him, as the leader of the Sociological School.

It was Dean Pound who connected the Sociological School of Jurisprudence definitely with Professor James' theory of Pragmatism. Even before he became affiliated with Harvard Law School, Professor Pound, writing in the *Columbia Law Review* a few months after Professor James had delivered his lectures on Pragmatism at the Lowell Institute and Columbia University, said, "The sociological movement in jurisprudence is a movement for pragmatism as a philosophy of law."[24] That he expected real progress from its development was indicated a few years later when he wrote, "The rising and still formative school to which we may look chiefly henceforth for advance in juristic thought, may be styled the Sociological School."[25] But that such a development still lay somewhat in the future he indicated the following year when, in describing the accomplishments of the Sociological School, he declared, that "a pragmatist philosophy of law is yet to come."[26] His influence

[21] "Ideals and doubts," *Coll. leg. pap.*, 306.
[22] *Coll. leg. pap.*, 275 (1902).
[23] "Economic Elements," *Coll. leg. pap.*, 279-282 (1904).
[24] 8 *Col. Law Rev.* 609 (1908).
[25] 24 *Harv. Law Rev.* 594 (1911). [26] 25 *Harv. Law Rev.* 516 (1912).

upon young Mr. Laski was acknowledged by the latter, in a reference in his first published work, where he spoke of "that pragmatic theory of law of which Professor Pound had emphasised the desirability." [27] But no more than Mr. Justice Holmes, does Professor Pound go the whole way with Laski's thought upon law and socialism, and in his latest work he repudiates quite definitely the kind of attack upon law which is now being made in socialist circles and particularly in the territories of the Soviet Socialist Republics.[28]

When Pluralism was offered as a cosmology, it was said to bear no necessary relation to the precedent system of Pragmatism, other than that they were both formulated by Professor James. That the method of pragmatism, or the reliance upon trial and error as the means of ascertaining goodness and truth, was related to pluralism, not only paternally but logically, almost as inevitably as cause to effect, was, however pointed out by the Neo-Scholastics under Dr. Pace's impetus, at the time both books were issued.[29] It is not surprising then that Mr. Laski, in taking up Pragmatism as a basis for the Sociological School of Jurisprudence in accordance with Dean Pound's suggestion, was led to commit himself to Pluralism as well, in developing his understanding of Sociological Jurisprudence as applicable to practical problems.

There have been, of course, many other influences upon Laski's thought, besides those of James and Holmes and Pound. Indeed their views, bringing his own to maturity, came almost as afterthoughts to the English university graduate, who had nourished his omnivorous mental appetite with the Webb's work on "industrial democracy," J. N. Figgis' efforts to reconcile the concept of the churches with the Church, and with the State, and Ernest Barker's conclusions about the

[27] *Sovreignty*, 64.
[28] *Formative Era of American Law*, Boston, 1938, esp. 86-88.
[29] *Cath. Encyc.*, XII, 333-338, esp. sec. iv.

" discredited state." And in addition to American and British political literature, he concentrated his attention upon French socialist thought in a way which led him to turn to the professor of constitutional law at Bordeaux, M. Léon Duguit, as perhaps the greatest jurist of his time. In fact, so impressed was Laski with Duguit's theories in relation to the social trend of law he encountered in America, that he assumed the office of introducing Duguit to American jurists through the *Harvard Law Review*.[30] It is accordingly necessary to grasp some of M. Duguit's fundamental concepts in order to understand Laski's Pluralism.

M. Duguit claims for his conclusions a purely scientific basis. " I follow the guide of science, and science only, based upon an impartial observation of facts," he says.[31] And his scientific observation of facts leads him to say:

> Today all biological and anthropological sciences prove that man, given his physical organs and his physiological constitution, cannot live alone, has never lived alone, can live only in society, and has never lived except in society.[32]

From this he deduces his idea of " social man " and constructs his jurisprudence. " The idea of the social man is the only possible starting point of juridical doctrine." [33] For this " social man " he sees a new system of law developing, substituting for the idea of the individual and his bills of rights, the concept of " social man " with certain functions to perform. The old idea he considers an abstraction never really existing and the new notion a completely scientific one based upon social facts. Or, as he expresses it, " the individualistic system of law was metaphysical; the new system which is being worked out is realistic."[34] It is the price of the law's progress, he be-

[30] 31 *Harv. Law Rev.* 186-192 (1917).
[31] *Progress*, 66.
[32] 31 *Harv. Law Rev.* 23 (1917).
[33] *Ibid.*, 24.
[34] *Progress*, 68.

lieves, "that every metaphysical conception must be banished from the science of law as they have been banished from the other sciences." [35] Not only are rights to be abolished as metaphysical and illogical concomitants of an individualistic legal system [36] but so also are associations incorporated by the state. If a voluntary association is pursuing a purpose which conforms with social solidarity, it deserves the protection of law,[37] but since there is in reality no such thing as a group will or a collective personality,[38] but only individual wills determined by group purpose,[39] there can be no such thing as a group constituted by legislative power as a subject of rights.[40] The problem of group activity and the legal protection of its social function, based as it is, not upon the abstract idea of the general will, but rather upon the social fact of a fusion of wills, and the implications such a theory has for the autonomy of the individual will and its obligations under group imperatives, is for M. Duguit, the fundamental problem of modern law.[41] Since the problem of corporate personality [42] and the problem of the organization of government to exact obedience [43] are also considered by Mr. Laski to be the most important problems of modern law, the way out that M. Duguit indicates becomes of fundamental importance in understanding Mr. Laski. M. Duguit himself sums up his theory of law and social solidarity, or as he prefers to call it, "social interdependence" [44] in this way:

> Briefly, then, we return always to that same fact of social function, to that realistic conception of social function which is everywhere replacing the metaphysical conception of subjective right. Modern communities are not composed solely of individuals, they are also made up of groups. Individuals are, of course, the cells that constitute the

[35] *Ibid.*, 91.
[36] *Ibid.*, 70.
[37] *Ibid.*, 95.
[38] 31 *Harv. Law Rev.* 145.
[39] *Progress*, 96.
[40] *Ibid.*, 91.
[41] *Ibid.*, 87.
[42] *Authority*, 261.
[43] *Politics*, 80.
[44] *Progress*, 75.

social plasm. But, the cells are arranged to form groups. Each group is charged with a certain mission; it, too, must accomplish a certain task in the division of social labor. Every act of will aiding in the accomplishment of this mission or the realization of this work must be protected by the community.[45]

Like Professor James and M. Duguit, Mr. Laski professes to find that "the concepts of jurisprudence grow out of the facts of life."[46] And so he observes that, "society . . . is federal in its nature."[47] The implication of this federal quality is "that no social philosophy can be other than pluralistic."[48] Or, as he says elsewhere, using James' phrases, "The pluralistic world is thus more like a federal republic than an empire or kingdom."[49] And since "the legal order only makes itself valid by being the expression of the social order"[50] he thinks, "our need . . . is above all for a theory of the state which attempts the continuous socialization of the law."[51] The pragmatic test — will it work — is the criterion he uses for measuring the adequacy of a jurisprudence, for he says, "Any jurisprudence that is to work must be sociological in essence — as men like Montesquieu, Mr. Justice Holmes, and Eugen Ehrlich have insisted."[52] And in pointing out that M. Duguit, "starting from the obvious fact of social interdependence, . . . insists that the only justifiable legal theory of the state is one that should enable it to satisfy the clear necessities of the time,"[53] Mr. Laski suggests that "The pragmatic philosophy of law at which, in the last ten years, Dean Pound has so earnestly labored is, at least in its large outlines, consistent with M. Duguit's conclusions."[54]

Agreeing with M. Duguit that "a new political philosophy of law is necessary to a new world," he adds, "the perspective of

[45] *Ibid.*, 96.
[46] *Grammar*, 279.
[47] *Law and Pol.*, 255.
[48] *Authority*, 177.
[49] *Sovereignty*, 10.
[50] *Grammar*, 279.
[51] *Politics*, 74.
[52] *Law and Pol.*, 178.
[53] 31 *Harv. Law Rev.*, 189.
[54] 31 *Harv. Law Rev.*, 192.

social thought has shifted in a direction different from the horizon set for it by Bentham and Hegel in the last century." [55] In other words, in propounding his new political philosophy to meet the modern social trend, he rejects not only the imperialistic absolutism of Hegel but also the atomistic individualism of Bentham's legal reforms. The English Liberal "attitude to citizenship was atomic in character," [56] and he holds that that "atomic conception of social life" was the inherent error in "capitalist democracy." [57] Rather, "our society is a functional society," he says,[58] "in which the test of structure is the service it can render."

Man in this social order, with Laski as with Duguit, is significant not as an individual but as a member of his group. "For the most part, it is as a member of a special fellowship that the average man is accustomed both to think and act. . . . The average elector, in fact, is instinct with that spirit of the herd which he cannot escape by simple virtue of his humanity." [59] Rejecting, as Duguit does, the power of the state to confer a fictitious corporate personality upon any group,[60] even itself, Mr. Laski nevertheless ascribes a certain personality to the group which he considers "real in the same sense as the State is real. It has, that is to say, an interest to promote, a function to serve. The State does not call it into being." [61] Or, to put it differently,

> The group is real, I suggest, as a relation or a process. It is a binding together of its individual parts to certain modes of behaviour deemed by them likely to promote the interests with which they are concerned. In that sense it possesses personality.[62]

To Mr. Laski, the real difference between the State and other groups lies in the fact that "with all groups save the State

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[55] *Grammar*, 15.
[56] *Liberty*, 235.
[57] *Democracy*, 61.
[58] *Grammar*, 106.
[59] *Admin. areas*, 35.
[60] *Sovereignty*, 4.
[61] *Grammar*, 256.
[62] *Ibid.*

there is one saving condition of basic importance. They are voluntary bodies. They lack the instruments of ultimate coercion." [63] Or as he says elsewhere, it is the fact that the state has the power to coerce which makes it a public corporation: "In an aspect of this kind, the State is obviously a public service corporation. It differs from every other association in that it is, in the first place, an association in which membership is compulsory." [64] But because he denies the preeminence of any one group over another,[65] he sees the state becoming "a private corporation which must act in accordance with its fundamental and general purpose on the one hand, and its special instructions for each immediate situation on the other." [66] And since any group "asks of its members a surrender of their personality to its prevailing tone and atmosphere," [67] the chief problem of organization with which it must necessarily be concerned is the way in which that surrender can be most successfully exacted. This is the price of its capacity to continue in existence.

> Outside a society that has no need of compulsions—and such a society we have not yet experienced—the need for discipline is vital if order and security are to be preserved. By discipline I mean a cheerful acceptance of law by reason of approval for the conditions the law is seeking to make. If law cannot, in any given equilibrium, achieve that discipline, the movement to a new plane of action where it again becomes possible of achievement is inevitable.[68]

Actually the chief problem in a legal system which is based not on authority but on function, as are both Duguit's and Laski's systems, is the problem of the bindingness of legal imperatives, — the problem of sanction. Laski relies upon assent to supply this deficiency. He believes that because membership in the group is voluntary rather than compulsory and based

[63] *Ibid.*, 258.
[64] *Ibid.*, 69.
[65] *Law and Pol.*, 259.
[66] *Authority*, 380.
[67] *Grammar*, 257.
[68] *Democracy*, 165.

upon social interests which the members all share, they will accept the group-will in order to keep the group together. Not authoritative force, then, but acceptance, is the sanction for law in the pluralistic system.

> It is not because of the force that lies behind its will, but because men know that the group could not endure if every disagreement meant a secession, that they agree to accept its will as made manifest for the most part in its law.[69]

Briefly, "There is no sanction for law other than the consent of the human mind," he says,[70] which is an implicit denial of any sanction derived from the authority of the source of law, for he points out elsewhere that, for him, "consent to law is not merely a function of the source of law."[71] On the contrary, the only authority the law has is derived from the very fact of its acceptance, so that its source is found in the minds of the group members who accept. "An extreme way of putting this view," he says, "would be to say that law is made by the individual's acceptance of it, that the essence of the law-making process, is the consent of interested minds."[72] But the precise way in which the matter of obeying the law which the acceptor participates in making is secured must await future developments.

> The sanction of our institutions will not be Divine right, as with the Royalists of the seventeenth century, or fear, as with Hobbes, or the facile simplicity of direct and omnipresent consent, as with Rousseau. It is likely to come from the slow development of a social psychology based upon inductions about human nature far wider than in any previous time.[73]

As a matter of fact, the reason the law should be obeyed is because of the social purpose which it is designed to fulfill. "A theory of law," he says, "which does not start by postulat-

[69] *Sovereignty*, 17.
[70] *Ibid.*, 14.
[71] *Law and Pol.*, 247.
[72] *Liberty*, 73.
[73] *Law and Pol.*, 130.

ing an end for law, can never explain why law ought to be obeyed." [74] In other words, it is not the source of law upon which its sanction depends but its social end. "What is important in law is not the fact of command but the end at which that command aims and the way it achieves the end." [75] But,

> The end of law is the satisfaction of human wants. That means not the wants of a few, not the wants deemed right by those applying the law, but the totality of wants encountered by law. Law, therefore, to be justice, must be the expression of relations found adequate in the experience of men.[76]

Elsewhere he puts it somewhat differently: law's "claim to obedience depends upon what it does to the lives of individual citizens. Of this result they alone can judge; and the rightness of law, therefore, depends upon their judgment of it." [77] At first glance, it would seem that this enhances the individual into something of his former importance. And this feeling is strengthened by another of his observations, until reference is again made to the totality:

> This . . . envisages a pluralistic conception of society . . . It insists that nothing is known of the state-purpose until it is declared. . . . It refers back each action upon which judgment is to be passed to the conscience of the individual. It insists that the supreme arbiter of the event is the totality of such consciences.[78]

The "totality of wants encountered" and the "totality of consciences" referred to are not equivalent to a "general will," which he explicitly rejects.[79] Neither do they convey the atomic concept of the sum of individuals of Bentham's Liberalistic idea, for he expressly states that it does not mean "that we must take each man, as in the Benthamite view, to be the best judge of his own interests." [80] And along with Bentham's

[74] *Ibid.*, 274.
[75] *Grammar*, 286.
[76] *Ibid.*, 276.
[77] *Politics*, 58.
[78] *Authority*, 65.
[79] *Grammar*, 68.
[80] *Ibid.*, 288.

individualism he rejects, as Duguit does, the notion of contract as its correlative. This brings him to a repudiation of Maine as well as Bentham.

> Once we begin that process of reciprocal adjustment, we move from the earlier sphere of contract to the sphere of status or relation. The movement of societies is then no longer one, as in Maine's view, from status to contract, but a movement from contract to relation. It is an endeavor to make rights and duties flow from the functions involved.[81]

His real meaning for "totality" in relation to social function would seem to be a "fusion of wills" [82] finding single expression in law, and having the character not of many but of one,[83] for he speaks of law as "ultimately pluralistic; the interactions of its diversities make it essentially, within the sphere of its operations, a single thing." [84]

This matter of the acceptance of the group-will as law raises another question, as to the way in which the group-will is ascertained before it can be accepted. Since "law is the operative satisfaction of effective demand," [85] "it becomes valid law by its power to satisfy the demands they make upon the institutions whose will it represents." [86] Now democracy he considers the particular form of political organization best adapted to the ascertainment of effective demand: "Democracy, with all its weaknesses, enables the widest body of demand to be taken into account in shaping the legal imperatives of a state." [87] And he defines democracy in terms of opportunity to express demands: "A democratic system, it has been argued, is one in which the will of the average citizen has channels of direct access to the sources of authority." [88] In other words, not by participation in a "general will" of the people, nor in finding himself a member of a majority of his fellow-citizens, but

[81] *Ibid.*, 276.
[82] *Ibid.*, 67.
[83] *Law and Pol.*, 273.
[84] *State*, 94; *cf.*, James, *Will to Believe*, 196-206.
[85] *Politics*, 81.
[86] *Ibid.*, 32; *cf.* 24.
[87] 29 *Harv. Law Rev.*, 417.
[88] *Grammar*, 115.

rather, merely by the opportunity afforded him to deposit his ballot, does the citizen in Mr. Laski's political scheme achieve "self-government." The actual governing is done by persons he has voted for, even if there be only one slate, based on the imputed "social purpose" of the group to which he belongs. Mr. Laski himself says, "But it is necessary to remember that in a democracy, the ultimate principle is, after all, self-government; and that means, in the last resort, that final decisions must be made by elected persons." [89] Man's natural desire for equality of treatment is recognized by giving him the chance to record his experience by voting. "Equality, therefore, involves, up to the margin of sufficiency, identity of response to primary needs. And that it what is meant by justice." [90] But actually, the average man (which sounds like a metaphysical abstraction), not knowing what is best for his own social purpose, cannot really judge what the group should do, and so he is dependent upon something of an aristocracy of minds better informed as to the social purpose.

> To adjust the temper of social effort to average men is to crown mediocrity as king. Rather we must recognize that quality is the possession of a few, and we must equate function with the possession of that quality.[91]

And he says elsewhere, "A democracy, in other words, must, if it is to work, be an aristocracy by delegation. But the fact of delegation is vital. Men grow to their full stature only in the environment of responsibility." [92] The group-will, then, is ascertained by permitting every man to vote, but only those votes achieve validity which culminate in the election of "delegates" who know and represent a social purpose of the quality of which the average man is for the most part ignorant. In other words, a social discipline is achieved by assent of the electors to the decisions made by the social aristocracy for whom they have been permitted to vote.

[89] *Ibid.*, 84. [90] *Ibid.*, 160. [91] *Ibid.*, 290. [92] *Ibid.*, 43.

There is, of course, within the proposed elective machinery, an apparent opportunity for the registering of dissent. It is a tacit admission that human personality naturally recoils from regimentation and is provided by way of compensation for the submergence of the individual in the social plasm. But the results of the machinery so devised can have only one of two effects. Because of the fundamental assumption of pluralism that there is no essential difference between mind and matter — that all is mind, experienced in the each-form—any dissent permitted to be expressed can only be formal, which means that it can have but the appearance of dissent without any actual determination or influence being possible because of it, or else, it must result in continual conflict, since the phenomenon of dissent has equal value with the prenomenon of assent, providing they both are related to the social purpose. The problem of lawlessness, so closely connected with the problem of sanction, Mr. Laski accounts for by saying that in the traditional system, insufficient opportunity has been given for the expression of desires.

> Men and women resented a state of which the law neither expressed nor fully attempted to express the need for translating their desires into effective political terms. They resented it and resisted it; that is the real root of lawlessness.[93]

Even though Mr. Laski attempts to clothe his proposed transformation of institutions with the appearance of legality, and to provide that the rule of law rather than the State-will is uppermost,[94] nevertheless he feels that there are periods when lawlessness is preferable to law and that order is not the most desirable effect of a legal system. "There are times," he says, "when the business of law is not the maintenance of an old equilibrium but the creation of a new one." [95] He chiefly objects to lending legal support to an economic order in which

[93] *Authority*, 113. [94] *Law and Pol.*, 274. [95] *Authority*, 379.

property interests are protected,[96] at the price of failing to "satisfy human demands at that maximum which is socially possible." [97] In fact his criticism of Protestantism, in which he finds prosperity was the mark of the elect,[98] culminates in a condemnation of Queen Elizabeth upon this ground: "She was more concerned for order than for truth, because she saw in order the key to material well-being." [99] And of Voltaire, he says he considered God of no concern to intellectuals like himself, but to the mass of men He was a necessity in preserving order: "The God of Voltaire is a social necessity for the maintenance of order; without him there would be no restraint upon the behavior of men." [100] Indeed for Laski, whose legal system is designed to work without God,[101] not only does religion fail to be a social necessity, but he considers it a "social chloroform" [102] which dulls men's hearts by training them for unthinking deference and servility instead of arousing them to demand the satisfaction of their desires. Accordingly, in his opinion, "order, surely, is not the supreme good, and rebellion has not always been wrong." [103]

Not order then, but justice [104] he would designate as the desirable effect of law, and, with law, what he calls morality, is practically identical.

> Our age is refashioning swiftly the foundations of its social life; law has no higher task than deliberate readjustment to this novelty. If I am told that law is not morals, I can only answer that it is then so much the worse for law, for the degree of their separation, as our law of divorce so notably shows, is always the measure of its failure.[105]

But morals, completely divorced from the dogma of the Redemption, is to Professor Laski, an experimental science, whose only criterion is social welfare.

[96] *Ibid.*, 113.
[97] *Law and Pol.*, 274.
[98] *Admin. Areas*, 58.
[99] *Liberalism*, 61.
[100] *Ibid.*, 243.
[101] *Cf. Communism*, 159.
[102] *Authority*, 158.
[103] *Liberty*, 77.
[104] *Authority*, 385.
[105] *Law and Pol.*, 296.

> Morality is thus an experimental science. . . . Man is no longer the product of original sin. He is entitled to be happy, and this involves the full enjoyment of his natural passions. But these can only give us happiness as they function in a social way.[106]

And so the right which is the essense of morality, and the rights which law secures, are both worked out by trial and failure. "What I mean by 'right' is something the pragmatist will understand. It is something the individual ought to concede because experience has proved it to be good." [107] Or, again, "Right . . . is not a static thing, but made and remade in the crucible of experience." [108] In other words, a a morality which releases all the passions so long as they do not conflict with the social purpose can scarcely be separated from a legality which aims to "satisfy human demands at that maximum which is socially possible." [109] It is in this sense that he is to be understood when he implies that the sanction of law and the sanction of morals are the same in his theory: "An adequate legal philosophy . . . must not only explain the legal right of a Government to obedience, but its ethical right as well." [110] So that whenever he speaks of law and morals, he uses the terms to signify social function and economic distribution, and in that sense he is to be understood when he says the attainment of justice is the purpose of law. He himself says:

> The society in which we live is organized upon the basis of property. Ownership confers rights, and rights are legally unrelated to the performance of service. The society towards which we are moving will be organized upon the basis of functions, and the rights it will confer will be dependent upon the functions we perform. For it is obvious to anyone who scrutinizes the present social order that the one thing it has secured is a continuously larger production. It has not regarded equity in the distribution of the product.[111]

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[106] *Ibid.*, 24.
[107] *Sovereignty*, 18.
[108] *Grammar*, 263.
[109] *Law and Pol.*, 274.
[110] *Ibid.*, 244; *cf.* 278.
[111] *Ibid.*, 134.

It will be noted that the distinctively pluralistic features of Mr. Laski's thought stop before they become involved in economics. Social man, a pragmatic standard of morals, federalism, — these are the chief ideas he has adopted from James, Pound and Holmes. The implications which he finds for economics in James' phrase about distribution [112] are strengthened by what he has read in Duguit and accepted from the Webbs. But since James was not an economist, and since both Holmes and Pound reject the economic interpretation of law, the emphasis Mr. Laski puts on property becomes an addition of his own upon which he builds a new plan of government quite different from anything hitherto found in American experience. Whatever may be said of pluralism as an American philosophy, the pluralistic theory of law as Mr. Laski conceives it, contains alien elements, which, if they be accepted in America, must inevitably change the American form of government into something very different from what it started out to be.

Upon the hypothesis that "the law of any given age is a function of the way in which economic power is distributed in that age," [113] Mr. Laski has suggested a transformation in political organization consonant with that view. Because he believes that "the possession of wealth means the power to determine what is produced for consumption," [114] he considers the present system, which he holds is organized for the advantage of consumers, should be transformed into a system for the advantage of producers,[115] and that the present centralized form of government, particularly suitable for a consumers' society,[116] should be resolved into a decentralized system. But decentralization alone is not enough to guarantee autonomy of function.[117] Rather, he advocates a "federalism of functions" [118] as the

[112] *Sovereignty*, 10.
[113] *Law and Pol.*, 278.
[114] *Grammar*, 87.
[115] *Admin. Areas*, 46.
[116] *Authority*, 352.
[117] *Ibid.*, 350.
[118] *Ibid.*, 384.

proper system to accompany his pluralistic theory of law. Such a federal organization, he believes, would most truly reflect the character of society "which is federal in its nature." [119] Hitherto the development of such a structure has been hindered because of the tendency to think of "federalism . . . in terms of territorial contiguity." [120] If, in place of area, social purpose is considered to afford the key to the proposed reorganization and to its correlative jurisprudence [121] a transformation in the position of the citizen will be effected which is comparable to the transition of the plebeian in Roman law, who, because he had no gens, had no law [122] into the citizen of today, who may own no property, but who has a vote, through which he is attempting to force the state to extend its conception of justice to include his economic demands. Another juristic analogy may be found in the international situation, in the person of the Roman citizen who carried his law with him upon a personal rather than a territorial basis, for the laborer of the future is visualized as obtaining juridical recognition not because of the place of his residence, but because of the labor group to which he belongs. All this, — not unlike Marx's concept of a Labor International,[123] is within Mr. Laski's meaning when he says that the trend of law is from status to contract to relation.

In professing to see in a "federalism of functions" a democracy characterized by self-government, Mr. Laski is consistently pragmatist, for he holds, that "democracy has not, in any certain fashion, discovered its appropriate institutions." [124] In fact he feels that "democratic government is less a matter for eulogy than for exploration," [125] And so he looks hopefully upon America as the "classic home of federalism" [126] and the American government as having "avow-

[119] *Law and Pol.*, 255. *Cf. Politics*, 69.
[120] *Authority*, 75.
[121] *Politics*, 73.
[122] *Ibid.*, 75.
[123] *Communism*, 22.
[124] *Politics*, 82.
[125] *Grammar*, 17.
[126] 31 *Harv. Law Rev.*, 191.

edly, an experimental philosophy of government." [127] For that "classic ground of federal experiment" he professes to see "a new federalism that is everywhere developing." [128] But a government organized upon a basis of "property" [129] cannot be transformed into one on the basis of "function" without having its jurisprudence transformed also, if the "rule of law" [130] is to remain uppermost. In working out new juridical forms, Mr. Laski admittedly relies upon his economic interpretation more heavily than he does upon pluralism [131] and his keynote and that of Karl Marx sound very much the same. The basis of the Marxian philosophy of history, he points out,

> Is the insistence that the primary motive force in social change is the system of economic production which obtains at any given time. . . . Law, religion, politics, philosophy, all these are born of the reaction upon the human mind of the methods by which men wrest from nature the necessary means of life.[132]

Taking the position for his own that "we cannot write the history of law without looking at its roots in the methods of economic production," [133] he observes of the American Supreme Court that "in no other country has economic development been so largely shaped by judicial decision." [134] But to neither Holmes nor Brandeis does he look for the means of furthering the American system, for he says that "it has yet to be shown that either philosophy can solve the grave contradictions in which American capitalism has become involved." [135] On the contrary he hopes for equality only when a government by labor unions, controlling the instruments of production and regulating distribution according to its own demands (for that is what

[127] *Law and Pol.*, 217.
[128] *Authority*, 384.
[129] *Ibid.*, 307.
[130] *Grammar*, 129.
[131] *State*, 121.
[132] *Communism*, 26.
[133] *State*, 109.
[134] *Ibid.*, 179.
[135] *State*, 182.

his "federalism of functions" really means),[136] replaces the present system.

"There is no equality before the law," he says, "there cannot be such equality, until the conditions which make inequality profitable to those who benefit by it are removed; and that removal is unattainable so long as the assumptions of capitalist philosophy dominate the practice of the courts." [137]

Under Communism he says the workers "must seek, not the mitigation, but the exacerbation of the class-struggle." [138] And he continues,

The workers' task is not to aid their masters in finding terms upon which capitalism may endure, but to discover the period at which its overthrow may be successfully prepared. To that end they must capture the machinery of the State . . . and, possessing it, the workers must then utilise its authority to transform a capitalist into a communist society.[139]

Communism is in fact a "new religion" he says,[140] which "will use the sword for [its] propagation" (as he claims Christianity did). Mr. Laski, however, prefers to use not the sword but the pen, in reaching what appears to be the same result. He foresees difficulties, however, which he faces quite frankly:

The central problem here raised . . . is . . . whether the transition from capitalism to socialism, with all the changes in class-relationships that it implies, can be accomplished peacefully in a democratic community. I am not arguing here that it cannot be so accomplished if the owners of the instruments of production are prepared to abide by the implications of democracy.[141]

It is, of course, now clear why he considers not order but justice — in its economic connotation — as, the desirable end for law.

[136] *Cf. Authority*, 86; *Admin. Areas*, 40.
[137] *Democracy*, 133.
[138] *Communism*, 71.
[139] *Ibid.*
[140] *Ibid.*, 53.
[141] *State*, 150.

Should such an event take place, not only would the United States Constitution with its system of checks and balances be supplanted by a "federalism of functions" but the whole Common Law would have to be rewritten so that the law of voluntary associations would be enlarged to take the place of constitutional law, and administrative regulations would make trial by jury an anachronism. Claiming that

> The canons of statutory interpretation developed by the courts in Common Law jurisdictions follow logically from the basic thesis of the Common Law that the protection of the interests of private property is the main assumption upon which it rests,[142]

Mr. Laski holds that such subjects as Contracts, Torts, Property,[143] Domestic Relations,[144] Criminal Law,[145] and Constitutional Law,[146] can only be fully understood in their economic context.[147] Probably some "special system of industrial courts would be developed"[148] which would provide a labor jurisprudence in their stead. Certainly International Law, with such concepts as *pacta sunt servanda* abolished,[149] will bear as changed an appearance in working toward labor mobility instead of free trade[150] as private law is expected to do. But this will take form only in meeting the "test of the event."[151] Of this much however we can be certain: the trades unions of the new federalism "are in reality the abolition, for political purposes, of the economic abstraction called man as set up by the individualistic thinkers of the nineteenth century."[152] In reality we are expected to substitute for "concepts of imperialism" those of "federalism," because the author of the pluralistic theory of law professes to see "the futility of independence in a world which is interdependent."[153]

[142] *State*, 122.
[143] *Grammar*, 578.
[144] *Communism*, 78.
[145] *Ibid.*, 127.
[146] *Law and Pol.*, 294.
[147] *Cf. Democracy*, 50.
[148] *Authority*, 89.
[149] *Law and Pol.*, 264.
[150] *State*, 230.
[151] *Sovereignty*, 23.
[152] *Admin. Areas*, 41.
[153] *Grammar*, 666.

The idealist in Mr. Laski is perhaps his outstanding characteristic, in spite of, or perhaps because of, his predispositions concerning the control of property. In this, too, as well as in his economic hypotheses, he is like Karl Marx. But unlike Marx, he did not go to a professed idealist like Hegel for his philosophical foundations, — at least, not intentionally. Rather he went to the outstanding exponent of practicality of the day, whose conclusions about spiritual things, even though they are ultimately idealistic, were always checked, as far as was humanly possible, by physical experience. It was apparently the scientific claims of Professor James, — as well as of M. Duguit, — which attracted Laski most, but what he carried away was not the scientific data but the inferences Professor James drew from the facts he observed. And so it was not with matter but with form that he started his theory. Convinced of the insignificance of the one in contrast with the many, — instead of placing confidence in the individual in relation to society, as true democracy does, — readily he leaped from the each-form of experience to the all-form of the uncollected and apparently incalculable mass, and rejected the concept of universe for that of multiverse. In doing so, however, he failed to consider that there was a unity in the all-form as well as a unity in the each-form because of the very fact that both took their form in the mind which contemplated them. The rejection of the significance of the one for the many, then, the substitution of pluralism for monism, was actually not a new reconciliation between matter and mind but merely the replacement of form with form. The cosmology which resulted could be nothing more nor less than idealistic in essence.

As so often happens in the history of thought, Mr. Laski swings with the pendulum from one extreme to the other. But a swinging from the thesis of monism to the antithesis of pluralism means only a new sequence in theories offered, in the manner of the Hegelian dialectic. It cannot provide solutions

which will meet the rationalizations of the high mental calibre required in Aristotelian syllogisms. The meaning of this distinction will become clearer in relation to the philosophical foundations of his economic theory. At present it is important to note in connection with his ethics. What he does, is swing from Bentham's egoism to John Stuart Mill's altruism, which he himself modernizes to conform to socialistic theory. But the underlying hedonism common to Bentham and Mill remains the same with Laski. It is an indulgence of the passions, appetites, and desires, uncontrolled except for "social interests" involved, in which the intellect, and any choice based upon judgment, is completely silenced. In effect, not only is intellect vanquished, but free-will is denied. The result of this anti-intellectual and deterministic ethics, which may be denominated social hedonism, can only be feelings not pleasurable but oppressive, not of greater happiness but of increasing disillusionment. For in unloosing the passions from intellectual control, it subordinates the intellect to the dictates of non- and anti-intellectual elements, thereby enslaving the spiritual power in man and destroying every prospect of freedom, since the latter depends not on matter but on mind.

That Mr. Laski's position is ultimately reactionary is also due to the swing of the pendulum from imperialism to democracy. In his idea, such a change is purely formal, in which the rule of the people, — the many, — is substituted for the rule of the one. It is here, however, that he does attempt a theoretical reconciliation of the many with the one. In his notion of government, the will which rules is one, whether the command which is voiced is sounded in solo or in chorus. The will announced, not the procedure of declaring it, is for him most important in enforcing its command. This voluntarism of Laski's political philosophy is one more proof that he is consistently anti-intellectual, even though the idealism of his premises would logically require the functioning of an intellect to

give it form. But he is not alone among idealists who rely on force for giving their ideas effect. The very mention of political absolutism conjures up incidents of force. That M. Bergson, who coined the term *force-idée*, was not only allied with the idealistic tradition but also was influential with William James, suggests that Laski's voluntarism in politics is a logically integral component of his fundamentally idealistic system. But it is none the less reactionary because of the modern style of its presentation. Professing to see force as the distinctive character of government, it conceives that force as necessary above everything else, no matter whether the power behind it is derived from an emperor or "the people." Increasing perfection in government, however, requires that force be not primary but secondary, — in fact, that it be relied upon only as a last resort when all else fails. Not government by force, but self-government by reason, is the distinguishing mark of progress in politics. To return to force, whether exerted by an individual or a mass, is to resort to obfuscation, not to enlightenment, in developing the science of politics, and the ensuing effect of a swing of the pendulum from force of one to force of many can only be reaction.

With Mr. Laski, the force which is born of voluntarism becomes the bridge which effects the transition from the idealism of his cosmology to the materialism of his economic theory. Swinging no longer from the phenomena of the each-form to that of the all-form, from the subjectivity of egoistic hedonism to that of socialistic hedonism, or from the absolutism of imperial force to that of democratic force, he leaps instead from form to matter without effectuating a reconciliation between them. Since to him unity is achieved not through intellectual understanding of a universe, but only by voluntaristic force over a multiverse, the distribution of matter required by the physical necessities of man is to be conditioned by the matter produced, not by the matter consumed. In other words, his

economics is erected upon the force of labor activity, not upon intellectual regulation of the consumption of materials according to needs, ability to use, and taste in selection. Value is accordingly replaced by labor-hours as the criterion for deciding the amount of goods to be produced, and quantity, not quality, as the goal of work, is thereby implied. Mr. Laski does not follow the implications through to a systematic theory of economics. As a professor of government, he merely adopts the Marxian economic theory as the scientific basis upon which government regulation should be established. But in view of the fact that the economy of the Middle Ages was an economy of plenty of goods with scarcity of money, based upon rational utilization of materials available, through just price and interest curtailment, while the current economics,—being devised subsequent to Marx's theories and so, at least in part, influenced by them, — is apparently an economy of scarcity of goods with plenty of money, in which value is artificially secured by governmental regulation of labor, income, and the instruments of production, the problem raised by Mr. Laski's philosophy of government in relation to economics remains unsolved in his writings. The fact that is clear in his theory is its determinist character, a feature consistent enough with his anti-intellectualist cosmology, as well as with the Marxian economic idea. Leaving no room for choice, and therefore for free-will, or any exercise of freedom, it provides only for an expression of desires, which are considered to control men, while the satisfaction of those desires is conditioned by the quantity of goods produced. This is simply a setting off of material goods against human desires, which acknowledges the fact of their existence without reconciling them. In other words, it is a description of what occurs in nature, not an explanation of it. As a matter of fact, it states a problem but offers no solution. To leap from form to matter as Mr. Laski does in attempting to base his economic premises upon an idealistic cosmology like pluralism,

is the denial of the possibility of understanding, — as anti-intellectual as it is agnostic. Were it not rejected, rationalization would be futile, and discussion superfluous.

The implications of the obvious dichotomy between form and matter that follows Mr. Laski's meeting with the challenge of modern economic conditions are particularly important in the field of education, where the pragmatic criterion of utility as the test of truth has substituted technique for culture. For by stressing the value of technique over information in the educational process, ability to express is inevitably subordinated to the character of materials or instruments utilized, whereupon man becomes less significant than the machine he operates. And the expression itself is merely an articulation of desires, never rising to a communication of judgments. It results, accordingly, in the appearance of education only, without the essential development of self-responsibility through wise choices. Furthermore, since in judgment lies the creativity of the intellect, an educational method which tends, through the advocacy of a continual sequence of experiences, toward the atrophy of judgment instead of its exercise, aborts any fertility in ideas before they can be born, so that not improvement but retrogression is the ultimate goal. It is in fact the antithesis of a liberal education. To "learn by doing" in the Scholastic sense, where it signifies activity as the perfection of mind, is a very different pedagogy from the full instrumentalist theory, where expression and practice, for the experience of them alone, are substituted for any sort of "indoctrination," even prudent advice. With the Scholastics, mastery over the material things in nature, including the physical elements of the self, is always primary in the educative process, but with the instrumentalists the reverse holds true, since not the mental but the physical appetites are trained to expression, primarily. When Mr. Laski argues that facility in the articulation of desires is the proper education for democracy, either his educational theory is wrong,

or his idea of democracy is not what Americans have always understood it to be, for he is in fact pointing the way for the eventual disappearance of self-government and true liberty, not their perfection.

Law is so closely allied to education in the furtherance of freedom, that its observance is ultimately dependent upon the viewpoint from which an educational program is projected. If the basis of education is truly liberal, the law which prevails in a state providing such education will place the protection of human personality first in importance in its operation. But if the education is mechanical or otherwise illiberal, the accompanying law will tend to be mechanical and illiberal also, especially in its increasing reliance on force to secure its ends. For it is not true, as Mr. Laski holds, that force is the chief characteristic of law. On the contrary, the application of force is the last resort in obtaining its observance, not the first, for law is primarily directive, addressed to human beings for the better regulation of their conduct in view of the needs of other men, and so reasonable in its formulation that it anticipates the free obedience of the rational persons to whom it is addressed. Whenever it is deficient in these essential qualities, it is not lawful but lawless and invites disobedience. Not force, then, but order, is the concomitant of law, and Mr. Laski's attempt to invert, or, perhaps, subvert, that relationship, denies validity to any law. His misconception of the office of force in law seems to be derived from his materialistic idea of economics, since, by making property the chief interest of men, he assigns to law the primary function of regulating property. And because property represents power and force to him, his idea of regulating it requires the meeting of force with force. Naturally, not order but chaos results. Chaos, unfortunately, offers little promise of affording justice in any form, so that the redistribution of property he considers as the true aim for the application for the force of law is completely disrupted by

that very force. Had he only remembered that law is concerned with the direction of men, not the regulation of property as such, his separation of order from justice could scarcely have been thought of. His reliance on force above everything else is, however, a logical development of his illiberal theory of education, and is so essential a part of his whole program, that it offers the best key to his meaning.

Just as the instrumentalist theory of education results in mere activity without intellectual determination, or in other words, in motion without direction, so the legal theory put forth by Mr. Laski ends in compulsion by mass-will in the very act of expressing dissent. Paradoxical as it may be for a theory which professes to locate the source of law in its acceptance, to find itself relying upon a socialized *force-idée* to guarantee its validity as law, nevertheless, the fact remains that Mr. Laski's law, which was, in effect, to be created by dissent, provides instead a sanction for mob-rule in which any personality not completely encompassed by the mob finds no use for powers of articulation. The hope which Mr. Laski places in future inferences of social psychology to provide appropriate sanctions for his system, can scarcely be fulfilled until the psychology of mob action is empirically established, but by that time, it is not improbable that psychology as well as all other intellectual work would have ceased to exist unless it still enjoyed the protection of the traditional system of law. But since such prospects can hardly be visualized here and now, it is idle to speculate upon them. Rather it is more to the point to observe that a determinist economics based upon productive forces no more gives rise to law observance than does an instrumentalist pedagogy. Acceptance and consent are meaningless unless they are the fruit of choices freely made. But knowledge is preliminary to choice, and self-mastery through rejection, not indulgence, is the only possible basis for freedom. To make no distinction between man and the rest of nature is to consider his every act

predetermined, and therefore to make any law superfluous (except in its scientific connotation of description). To recognize in man the power of assent is to find in him a freedom not shared in common with the rest of nature, and so to attribute to him a power over nature which a determinist philosophy does not explain. Either, law as it has been known and practiced for centuries is superfluous in an unfree world, and consent is nothing more than a gesture, or else mere regulation by property decrees is a deceivingly simple answer to an historic problem, demonstrable by no less valid a test than recorded experience. In either case the guarantee of freedom to dissent under law, which Mr. Laski attempts to make secure, offers no promise of fulfillment through his legal theory.

The continual socialization of the law, which Mr. Laski, following Holmes, Duguit, and Pound, considers a desirable development, professes to be founded on social facts and to give rise on that account to a scientific jurisprudence which he describes as pluralistic. But instead of inferring from those facts, that because man needs society, society exists to aid man, he concludes, on the contrary, that man is subordinate to society, and the welfare of society must be furthered at man's expense. It is scarcely surprising that a sociology which inverts facts so that its premises become unwarranted assumptions instead of plausible hypotheses, gives rise to an unscientific jurisprudence which acquires its pluralistic character by a mass absolutism supported by mob force instead of by the formulation of general rules to guide society in providing for every person the greatest possible amount of freedom, with due regard for equal freedom for his neighbors. In substituting for a social science, which treats of man in relation to society, a socialized science which makes man inferior to the society he in fact, with his fellows, constitutes, Mr. Laski subscribes to a submergence of man in social plasm which is even more inimical to the Common Law than the atomistic individualism which characterized the attack

upon it during the last century, in that the pluralistic theory denies any value at all to the individual for whom the law is supposed to exist. Parenthetically it may be observed that it is a bit odd to find the University of London, which was really started by Jeremy Bentham for the purpose of developing his individualistic theories of law and government, now lending itself to a repudiation of Bentham in the name of a socialized government and economics. But the reversal has not resulted in any greater advantage for the position of the Common Law. On the contrary, the pluralistic threat, going to the very life of the law, is the most serious challenge the latter has yet had to face. Were it to prevail, the complete transformation, not only of the Common Law in America, but of the American form of government itself, would result. Regardless of its American origin, a pluralistic philosophy of law which advocates socialization of law upon the basis of economic determinism is the contradiction of the American idea, not its exposition in relation to federalism. Unless it be rejected, the great American experiment in liberty under law is near its end. Not socialization then, but greater autonomy is essential if the Common Law is not only to progress but even to endure.

The restoration of autonomy to law as a social science requires above all a thorough knowledge of the foundations of the Common Law system and their influence in American life. And support must come from metaphysics, if the proper relations between law, man, and society, are to be maintained and strengthened. But in the name of a "realistic" jurisprudence, M. Duguit rejects metaphysics, and in the name of pluralism, Mr. Laski denies its implications. The plausibility of these arguments can scarcely conceal the superficiality of the viewpoint. With Mr. Laski's energies spent upon the liquidity of the social phenomena that he perceives, his interest is exhausted before he attempts to speculate upon the quiddity beneath. With each leap from form to matter, and from matter back to

form, with each swing of the pendulum away from unity and toward multiplicity, he passes over the problems which penetration would disclose. Where an understanding of dualism would reconcile some contradictions he encounters, he resorts to idealism and economic determinism instead for his rationalizations, and when they fail to explain, he contents himself with attempting no other explanation. The desired goal of realism therefore still lies beyond. Not even a pseudo-realism can be said to characterize his theory, confined as it is to stating how, and not why. Challenging as is his threat upon the law because of the very presumptuousness of its attack and the boldness of its reiterations, the philosophical deficiencies of his theory in the face of the metaphysical soundness of the legal system he essays to "streamline" cannot fail to arouse a counter-effort to perfect a truly realistic jurisprudence — which will not be denominated pluralistic, but neo-Scholastic, if it is to conform to the bases of the Common Law system. Perhaps his metaphysical deficiencies are actually due to his misunderstanding of Anglo-American jurisprudence, so that there might be said of him, as was said of an earlier theorist: "The trouble with Austin was that he did not know enough English law." [154] Or, to put it in the words of an Oxford contemporary: "It was said of the late Lord Halsbury that he knew law well but never understood politics. Of Professor Laski the opposite might be said." [155]

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BIBLIOGRAPHY

1. Bent, Silas, *Justice Oliver Wendell Holmes, a Biography.* Garden City, N. Y., Garden City Publishing Company, Inc. [1932]
2. James, William, *A Pluralistic Universe.* [Hibbert Lectures] New York, Longmans, Green and Co. 1909.

[154] Holmes, O. W., "The Path of Law," 10 *Harv. Law Rev.* 475 (1897).
[155] Hanbury, H. G., 33 *Illinois Law Rev.* 981 (1939).

3. James, William, *Pragmatism. Ibid.* 1907.
4. ———, *The Will to Believe. Ibid.* 1897.
5. Holmes, Oliver Wendell, *The Common Law.* Boston, Little, Brown, and Company. 1881.
6. ———, *Collected Legal Papers.* New York, Harcourt, Brace and Company. [1920]
7. Laski, Harold J., *Authority in the Modern State.* New Haven, Yale University Press. 1919. [Authority]
8. ———, *A Century of Municipal Progress. The last hundred years.* Ed. by Harold J. Laski [et al.] London, George Allen & Unwin, ltd. 1935.
9. ———, *Communism.* New York, Henry Holt and Co. 1927.
10. ———, *Democracy in Crisis.* [n. p.] The University of North Carolina Press. 1935. [Democracy]
11. ———, *A Grammar of Politics.* London, George Allen & Unwin, ltd. [1925] [Grammar]
12. ———, *Liberty in the Modern State,* New York, Harper & Brothers. 1930. [Liberty]
13. ———, *Political Thought in England from Locke to Bentham.* New York, Henry Holt and Co. [1920]
14. ———, *Politics.* Philadelphia, J. B. Lippincott Co. 1931.
15. ———, *The Problem of Administrative Areas.* Northampton, Mass., Dept. of History of Smith College. 1918. (Smith College Studies in History, Vol. IV, no. 1. October, 1918) [Admin. Areas]
16. ———, *The Rise of Liberalism. The Philosophy of a Business Civilization.* New York, Harper & Brothers. 1936. [Liberalism]
17. ———, *The State in Theory and Practice.* London, George Allen & Unwin, ltd. [1935] [State]
18. ———, *Studies in Law and Politics.* London, George Allen & Unwin, ltd. 1932. [Law and Pol.]
19. ———, *Studies in the Problem of Sovereignty.* New Haven, Yale University Press. 1917. [Sovereignty]
20. *Modern Theories of Law.* London, Oxford University Press. 1933. (London School of Economics and Political Science Lectures) Article on Duguit by H. J. Laski.
21. *The Progress of Continental Law in the Nineteenth Century.* By various authors. Boston, Little, Brown and Company. 1918. (Continental Legal History Series, vol. 10. Published under auspices of the Association of American Law Schools.) Chapter III, pp. 65-146, is a translation of *Les Transformations générale du droit privé depuis le Code Napoléon,* par Léon Duguit, Paris, Felix Alcan, 1912.
22. Pound, Roscoe, *The Formative Era of American Law.* Boston, Little, Brown, and Company. 1938.
23. ———, *Interpretations of Legal History.* New York, The Macmillan Company, 1923.
24. Wahl, Jean, *The Pluralist Philosophies of England & America.* Authorized translation by Fred Rothwell. London, The Open Court Co. 1925.

PERIODICAL ARTICLES

25. Duguit, Léon, "The Law and the State"; 31 *Harvard Law Rev.* 1-185 (Nov. 1917)
26. Hanbury, Harold Greville, "Review of *Parliamentary Government in England* by Harold J. Laski"; 33 *Illinois Law Rev.* 981-982 (April 1939)
27. Hoffman, Ross J. S., Criticism of Laski; 7 *American Rev.* 507-515 (Oct. 1936)
28. Laski, Harold J., "The Early History of the Corporation in England"; 30 *Harvard Law Rev.* 561-588 (Apr. 1917)
29. ———, "A Note on M. Duguit"; 31 *Harv. Law Rev.* 186-192 (Nov. 1917)
30. ———, "The Personality of Associations"; 29 *Harv. Law Rev.* 404-426 (Feb. 1916)
31. Pound, Roscoe, "Mechanical Jurisprudence"; 8 *Columbia Law Rev.* 605-623 (Dec. 1908)
32. ———, "The Scope and Purpose of Sociological Jurisprudence"; 24 *Harv. Law Rev.* 591-619 (June 1911) & 25 *Harv. Law Rev.* 140-168 (Dec. 1911).

NEO-SCHOLASTIC POSITION

33. *Catholic Encyclopedia.* New York, 1909-22. 17 v. Especially articles such as Pragmatism; Monism; Socialism; Society; Sociology; Metaphysics; Modernism; Anarchy; Communism; Collectivism; Agnosticism; Cosmology; Property; Neo-Scholasticism; etc.
34. De Hovre, Franz, and Edward B. Jordan, *Philosophy and Education.* New York, Benziger Brothers. 1931. Especially pp. 101-116 on John Dewey and pp. 136-143 on Émile Durkheim.
35. Rooney, Miriam Theresa, *Lawlessness, Law, and Sanction.* Washington, D. C., The Catholic University of America, 1937. Theories of Bentham, Maine, and Holmes are criticized on the basis of the doctrine of St. Thomas Aquinas and Bracton.

GUNDISSALINUS' *DE ANIMA* AND THE PROBLEM OF SUBSTANTIAL FORM

THE importance of Dominic Gundissalinus, or Gundisalvi,[1] not only as one of the most prominent among the Toledo translators, but also as a philosophical writer, has long been recognized. His significance, however, does not rest precisely on his personal contribution to mediaeval thought, for he was rather a compiler than an original thinker, but mainly on the fact that he was the first to utilize and to attempt a systematic, even if not always sufficiently coherent, exposition of the new learning, thus providing the Schoolmen with fresh problems and offering them new approaches to speculation.[2]

His treatise *De Anima* contributed perhaps more than any other of his works to introduce new psychological problems into the Schools. This is a compilation drawn up from his own Arabic translations, especially from Avicenna's *Liber Sextus Naturalium*, or *De Anima*, Avencebrol's *Fons Vitae* and the *De differentia spiritus et animae* of Costa ben Luca. The character of compiler was accepted by the author himself, for he states in his prologue that his aim was to gather into one book whatever had been well said by philosophers upon the soul: "quicquid apud philosophos de anima rationaliter dic-

[1] The name appears in the manuscripts as *Gundissalinus*, or *Gondissalinus*, and *Gundisalvi*, cfr. P. Correns, *Die dem Boethius fälschlich zugeschriebene Abhandlung des Dominicus Gundisalvi De Unitate.* Münster, 1891 (BGPM, I, 1), 31.

[2] Cfr. C. Baeumker, "Les écrits philosophiques de Dominicus Gundissalinus, *Revue Thomiste*, 5 (1897), 723-745; the same, "Dominicus Gundissalinus als philosophischer Schriftsteller," *Compte-rendu du IVe Congrès scientifique international des Catholiques.* Fribourg (Suisse), 1898, IIIe section, 39-58. It was reprinted, and the bibliography brought up to date by M. Grabmann, in *Studien und Charakteristiken zur Geschichte der Philosophie insbesondere des Mittelalters.* Münster, 1928 (BGPM, XXV, 1-2), 255-275. My quotations are from this edition.

tum inveni simul in unum colligere curavi." [3] The outstanding influence of this opuscule is amazing in view of the mediocrity of its contents. Albertus Magnus frequently cites it, under the name of *Toletanus*,—and not *Collectanus*,—both in his *Summa de Creaturis* and in his *Summa Theologica*.[4]

The famous *Collectanus* in the printed editions of the *Summa de Creaturis* is due neither to St. Albert the Great nor to his amanuenses, as sometimes has been suggested, but simply to a misreading of the first editors. No trace of "Collectanus" is to be found in the manuscript tradition; all the manuscripts (about 30, i. e. almost all the known MSS.) bear the reading: *Toletanus*, as Dr. Sigisbald Janssen, O. P., of the Albertus-Magnus-Institut, Cologne, who is preparing a critical edition of the *Summa de Creaturis*, has kindly assured me. Hence the many hypotheses, so painfully erected to explain the meaning of "Collectanus," are groundless. That Gundissalinus was referred to by St. Albert as "Toletanus" is not surprising, if we call to mind that his works were mainly dated from Toledo, *Tholeti*, or *apud Toletum*, and that in the MSS. he is often described as *Toletanus*, as, to quote one instance, in MS. *Oxford*, Bodl. 463, f. 139ra: "Incipit VI de naturalibus Avicennae philosophi translatus ab archidiacono Tolletano de arabico in latinum," or in Vat. lat. 2186, f. 1^{r}: "Incipit liber de creatione celi et mundi translatus de arabico in latinum a domino Gundissalvo archidiacono Toletano."

The *De Anima* is preserved in four manuscripts: *Paris*, Bibl. Nat. 16613, ff. 2^{r}-42^{v}; *Cambridge*, Gonville and Caius College, MS. 504 (271), ff. 146^{v}-168^{v}; *Vatican City*, Vat. lat. 2186, ff.

[3] This same idea is also conveyed by the ascription in the Cambridge MS. Gonv. & Cai. Coll. 504, f. 146ra: "Liber domini Gundissalini de anima ex dictis plurium philosophorum collectus."

[4] *Summa de Creaturis*, P. II (ed. Borgnet, 35), pp. 12^{a}, 15^{a}, 28^{b}, 64^{a}, 71^{b}, 76^{b}, 78^{a}, 82^{b}, 83^{a}, 463^{a}, 467^{b}; *Summa Theologica*, P. II, tr. 12, q. 73, m. i (ed. Borgnet, 33), pp. 52a, 53a.

104r-119v; *Venice*, Marciana, fondo antico MS. 293, ff. 1-38.[5] In the Venice MS., unlike the other manuscripts, the treatise is divided into two parts, but, like all the others, contains ten chapters.

Dr. A. Löwenthal published the greater part of the treatise from the Paris MS., collating it with the Cambridge MS.[6] Lately, P. De Vaux, O. P., had the good fortune to discover a new manuscript containing the last two chapters (*Paris*, Bibl. Nat. lat. 8802), and has given a notable edition of Chapter X.[7]

Basing himself mainly on the fact that the doctrines taught in the *De Anima* are patently Avencebrol's and that many passages are borrowed almost verbatim from the *Fons Vitae*, S. Munk evolved the theory that its real author was Avencebrol, Gundissalinus' part being restricted simply to that of a translator, except for the interpolation of several Christian quotations.[8]

This main conclusion has been followed up by Dr. Löwenthal. In spite of the acknowledged fact that by far the greatest part of the work is borrowed from Avicenna, he claims that the underlying source was a treatise on the soul divided into ten chapters, now lost, wrongly attributed to Aristotle, but in fact written in Arabic by Avencebrol, and translated into Latin by John of Spain. Gundissalinus is held to have appropriated to himself almost entirely John's version to which he merely made few insertions here and there.[9]

[5] Cf. J. Valentinelli, *Bibliotheca manuscripta ad S. Marci Venetiarum*. Venetiis, 1871, iv, 131.—Dr. R. Klibansky of Oriel College, Oxford, has kindly called my attention to this manuscript.

[6] A. Loewenthal, *Pseudo-Aristoteles über die Seele. Eine psychologische Schrift des 11. Jahrhunderts und ihre Beziehungen zu Salomo ibn Gabirol (Avicebron)*. Berlin, 1891, 77-131.

[7] R. de Vaux, O. P., *Notes et textes sur l'Avicennisme latin aux confins des XIIe-XIIIe siècles*. Paris, 1934 (Bibl. Thom., XX), 147-178.

[8] S. Munk, *Mélanges de Philosophie Juive et Arabe*. Paris, 1927 (reproduction of the 1857 edition), 170-173.

[9] A. Loewenthal, *Dominicus Gundisalvi und sein psychologisches Compendium. Ein Beitrag zur Geschichte der philosophischen Literatur bei*

This thesis is not supported by any serious argument and hardly needs refutation.[10] Dr. G. Furlani, with a view to bringing out a complete and more reliable edition of the *De Anima*,[11] (Löwenthal's edition besides being incomplete, is moreover imperfect in other ways), re-examined the whole question and proved decisively that there is not the slightest evidence to show either Avencebrol's authorship of this supposed book on the soul or the existence of a similar Pseudo-Aristotelian *De Anima* in Arabic.[12]

It is commonly held that the problems of hylomorphic composition in spiritual substances, and of the plurality or unity

Arabern, Juden und Christen. Berlin, 1890. This *Inaugural Dissertation* is reprinted with some amplifications and Gundisalvi's text in the work quoted above n. 6.

[10] Professor E. Gilson, "Pourquoi Saint Thomas a critiqué Saint Augustin," *Archives d'Histoire doctrinale et littéraire du Moyen Age*, I (1926-1927), 46, n. 1, qualifies Löwenthal's book as "chargé d'hypothèses fantaisistes." For a detailed examination cf. Baeumker, *op. cit.*, 267-271; E. Gilson, "Les sources Gréco-Arabes de l'Augustinisme Avicennisant," *Arch. HDLMA*, 4 (1929), 79-81; R. de Vaux, *op. cit.*, 142-144.

[11] The manuscript, ready for the press, was forwarded to Dr. C. Baeumker to be published in the *Beiträge zur Geschichte der Philosophie des Mittelalters* in April, 1914. It was, however, never published. Perhaps some mishap befell it during the troubled years of the Great War. Cf. G. Furlani, "Contributi alla storia della filosofia Greca in Oriente. I. Pseudo-Aristotele," *Rendiconti della R. Accademia dei Lincei* (Classe di scienze morali, storiche e filologiche. Serie V, 24). Roma, 1915, p. 119, n. 3.—Dr. J. T. Muckle of the Institute of Mediaeval Studies, Toronto, is preparing a complete edition of Gundissalinus' *De Anima* which will appear shortly.

[12] G. Furlani, *op. cit.* (See precedent note), 117-121. Löwenthal's presupposition that there was a Hebrew translation of this hypothetical Pseudo-Aristotelian *De Anima*, from which Gerson ben Salomon borrowed full passages in Ch. XI of his *Gate of Heaven*, is completely disposed of by Dr. Furlani, who shows that Gundissalinus' *De Anima* was translated into Hebrew, and from this Hebrew translation Gerson borrowed the passages inserted in his encyclopaedia. Cf. also J. Teicher, "Gerson ben Selomoh e Gundissalino," *Rend. Accad dei Lincei* (Cl. scienze mor. stor. e filol. Ser. VI, 9). Roma, 1933, 6-25, who brings new arguments to prove the existence of one or even two Hebrew translations of Gundissalinus on the soul, and shows that Gerson borrowed from Gundissalinus, not merely few passages, but almost the whole work passed into his own.

of substantial form in one and the same individual—problems known as the *binarium famosissimum*, which were to be the dominant disputes in late thirteenth and early fourteenth centuries both in Paris and Oxford, with repurcussions in other intellectual centers—reached the Schools through Gundissalinus' *De Anima*. It is also generally agreed that the solution proposed to both questions by Gundissalinus was identical with that of Avencebrol.

There seems to be no difficulty with regard to the former problem.[13] Gundisalvi categorically asserts that the human soul is composed of matter and form.[14] The latter teaching, however, though often discussed and generally accepted,[15] still presents, in my opinion, some evidence of indecision; hence the need of a closer and more definite examination. The present paper is an attempt in this direction and offers an occasion to discover whether or not Gundissalinus expounded in his treatise *De Anima* the theory of the plurality of substantial forms in one and the same human soul.

* * *

[13] See for the whole problem: E. Kleineidam, *Das Problem der hylomorphen Zusammensetzung der geistigen Substanzen im 13. Jahrhundert, behendelt bis Thomas von Aquin.* [Breslau, 1930]. For complementary documentation, cf. O. Lottin, O. S. B., "La Composition hylémorphique des substances spirituelles. Les débuts de la controverse," *Revue Neo-Scolastique de Philosophie*, 34 (1932), 21-41.

[14] *De Anima*, ch. vii (ed. Löwenthal, 109-118). Cf., however, *De Immortalitate animae* (ed. G. Bülow, BGPH, II, 3, p. 28): "Manifestum est quoniam ipsa (anima humana) est pura forma et substantia immateriata et incomposita in se huiusmodi compositione, quae est ex materia et forma. Aut si forte quis hic dicat, quia est ex materia et forma: dicimus tamen formam eius incorruptibilem esse."

[15] Cf. O. Lottin, O. S. B., "La pluralité des formes substantielles avant saint Thomas d'Aquin. Quelques documents nouveaux," *Rev. Néo-Scol. de Phil.*, 34 (1932), p. 466: "L'on a beaucoup insisté sur Avicebron, rendu accessible par Gundisalvi, et il est inutile d'y revenir." It is true that the *De Anima* is not mentioned, but on p. 449, referring to Wittmann, says: "M. Wittmann avait établi que la thèse pluraliste dérivait plutôt de l'influence d'Avicebron canalisée chez les Latins par Gundisalvi."

Gundissalinus deals with the problem in chapter IV: *Utrum una anima aut multae.* The whole chapter is a mosaic, made up from various passages of Avicenna's *De Anima*; its very title is taken from that source.[16] Löwenthal, swaged by his interpretation of the general origin of the book, found in this chapter close conformity with Avencebrol's teaching.[17] Dr. M. Wittmann, overstressing perhaps this view,[18] gave it credit among students, and was followed by Dr. A. Schneider,[19] and others. Baeumker had already hinted at its true meaning, but no attention was paid to him.[20] The conviction that Gundissalinus was always the faithful follower of Avencebrol[21] gained such a general acceptance, that Avicenna's influence upon him has often been either totally overlooked or, at least, underrated to a large extent.[22] Hence it is now commonly assumed, with-

[16] Avicenna, *Liber VI Naturalium*, P. V, c. vii: "An sit una an multae" (ed. Venetiis, 1508, f. 26vb).

[17] Loewenthal, *op. cit.*, 32-33.

[18] M. Wittmann, *Die Stellung des hl. Thomas von Aquin zu Avencebrol (Ibn Gebirol)*. Münster, 1900 (BGPM, III, 3), 61-62. He refers to Löwenthal's earlier work, *Dominicus Gundisalvi*, p. 32 f. (not provided with Gundissalinus' text), and to Avencebrol's *Fons Vitae*, III, 46 (ed. Baeumker, p. 182, 3).

[19] A. Schneider, *Die Psychologie Alberts des Grossen. Nach den Quellen dargestellt. I T.* Münster, 1903 (BGPM, IV, 5), 41. He cites Löwenthal, p. 32 f., and for the whole question Wittmann, *loc. cit.*

[20] Baeumker, *op. cit.*, 270. Even G. Théry in his valuable study *L'Augustinisme médiéval et le problème de l'unité de la forme substantielle* (*Acta Hebdomadae Augustinianae-Thomisticae*, Romae, 1931, 150, *note*) is so convinced of the Avencebrolian influence that, in spite of some hesitation, failed to see the real point at issue: "Gundisalvi, tout en maintenant la doctrine de la distinction des trois âmes, semble avoir eu le souci d'assurer l'unité de l'âme humaine." E. Gilson is the only scholar, to my knowledge, to notice it. Cf. *Les sources Gréco-Arabes*, 84.

[21] Baeumker, *op. cit.*, found abundant proves of the influence of Avencebrol in all the writings of Gundissalinus, except in the *De Divisione Philosophiae* and the *De Immortalitate animae*. See also Wittmann, *op. cit.*, 17 ff., and Correns, *op. cit.*, 15 ff.

[22] Furlani, *op. cit.*, 119, pointed out at the part played by Avicenna in Gundisalvi's compilation. Avicenna's influence has been studied by Gilson, *op. cit.*, 79-92, and also by de Vaux, *op. cit.*, 141 ff., and for the *De Immortalite animae* and *De Processione mundi* by G. Bülow, BGPM, II, 3; XXIV, 3.

out further or closer examination, that he holds here the pluralist theory.

Yet this assumption is contradicted by the text. Gundissalinus is as much in favour of the oneness of soul in man as is Avicenna himself from whom the doctrine is borrowed.

Two distinct questions are here propounded. The first, monopsychism, is whether in all living beings there is one single soul; the other, based on the hypothesis of numerical multiplication of souls, is whether in man the vegetative, the animal and the rational are three distinct substances, or only one substance.

The error here rejected ("hunc errorem ita destruunt philosophi") is not the thesis of oneness of soul in men, but that other theory that there is one single soul in the world which, though in itself one substance, in virtue of its manifold powers performs the function of vegetative life in plants, of sense in animals, of intellect and reason in man. Likewise, one single rational soul produces, according to its various powers, vegetation alone in the bones, hair and nails, in other parts of the body sense and movement, and in the brain intellect and reason. Or, to use another simile, one and the same solar ray causes different effects in different things, hardening the clay and melting the wax; similarly, one and the same soul, according to the diversity of bodies, operates diversely, bestowing upon some mere existence, upon others sense, and making others rational beings.[23]

[23] "Fuerunt enim qui dicerent unam tantum animam esse, quae secundum diversas vires unius suae substantiae in plantis exercet vegetationem, in animalibus sensibilitatem, in hominibus intellectum et rationem. Quemadmodum unaquaeque rationalis anima, dum est in corpore suo, secundum varias vires quas habet ipsa, cum sit una substantia simplex, in ossibus et capillis et unguibus exercet solam vegetationem, in aliis vero partibus corporis praeter hoc etiam sensum et motum, in cerebro vero insuper intellectum et rationem; et quemadmodum unus et idem radius solis simul agit diversa in diversis, cum lutum stringit et ceram dissolvit; sic unam tantum animam esse dixerunt, quae simul de universitate rerum alia tantum animat,

It is obvious that this opinion has nothing to do with the controversy of plurality or oneness of soul in one and the same individual. It is against the former, not against the latter, that he argues that there are indeed three souls specifically distinct from each other, the vegetative which is in plants alone, the sensitive that is in brute animals, and the rational which is in man. The evidence that they are distinct from each other is that each one possesses a separate existence; hence one cannot be the other. The vegetative is like the genus to its species; it is therefore in plants as well as in animals; but plants and animals are specifically diversified. Nevertheless, from the fact that each taken separately is specifically distinct, it does not follow that they are also distinct substances when they are united. To take an example, a palm-tree or a vine is of course each a tree, i. e. is endowed with vegetative soul, a power of self-nourishment and growth. But to be a palm or a vine it does not need another soul in addition to the vegetative soul, namely the soul of a palm, or of a vine. It is one and the same soul which makes it living, growing, a tree and a palm or a vine.[24]

alia sensificat, alia rationabilia reddit, prout unumquodque corpus virium suarum receptibilius invenit. Et tamen, cum in omnibus una sit corporibus, multas dici invenitur propter diversitatem corporum et virium quibus tam diversa operatur." Löwenthal, *op. cit.*, 97. In the Cambridge MS., f. 150ra, a marginal note rightly points out: "Recitat opiniones aliorum." This passage is borrowed from Avicenna, *De Anim.*, P. V, c. vii, f. 26vb.

[24] "Sed hunc errorem philosophi ita destruunt dicentes: Cum nos videamus vegetabilia habere animam, quae nutrit et generat, nec habere animam quae sentiat et cognoscat, nec habere animam quae intelligat, profecto haec anima alia [C. aliud] est ab illa. Tres igitur principales [C. principaliter] sunt animae. Prima vegetabilis, qualis est in plantis, secunda sensibilis, qualis est in brutis et animalibus, tertia est rationalis, qualis est in hominibus. De quibus tamen omnibus vegetabilis anima praedicatur ut genus de suis speciebus. Anima enim vegetabilis est intellectus generalis cuius subiectum est similiter commune universale, scilicet corpus vegetabile, augmentabile, absolutum genus non specificatum; et in hoc omnes animae conveniunt. Omnis enim anima nutrit, augmentat et generat. Anima igitur vegetabilis secundum intellectum communem sic est in vegetabili sicut in animali, quod esse eius est sicut esse universale in rebus; sed postea vegetabile et animal differunt specifica differentia constitutiva, non accidente

Likewise, the three vital powers, vegetative, sensitive and rational, exist in man. Taken separately, each one is a substance distinct from the other, but this is not the case when they are existing jointly in man. As the sensitive includes the vegetative and has something else besides, i. e. sensitivity, so the human soul ("cum sit simplex una substantia") is one single substance, implying in itself, not only the rational but also the vegetative and sensitive, not however as distinct substances ("non tamen tres substantiae sunt in homine") but simply as powers. Moisture and heat, taken separately, are different, but conjoined in vapour they make one single thing.[25] The higher

tantum. Anima vero vegetabilis, secundum quod est specialiter faciens vegetationem, in solis vegetabilibus est et non in sensibilibus; sed secundum quod est in animali non facit nisi corpus animale, quia est animativa, ex qua virtus pendet animationis, quae est differentia ipsius ad id cum quo convenit in hoc quod est virtus nutriendi et augmentandi; quia, praeter hoc quod est nutritiva et augmentativa, etiam animalis est et habet in sua natura ut sensificet et moveat, cum habuerit instrumenta. Ipsa est consequens illam complexionem et compositionem sic, ut cum relicta fuerit ad habentia coniunctionem erit cogens. Non enim de natura elementorum et contrariorum corporum est coniungi per se, quorum natura est ire in partes diversas, quae non coniungit nisi anima propria. Exempli gratia: in palma est anima palmifica et in uva est anima uvifica et omnino anima quae est forma ipsius materiae. Anima vero cum sit palmifica super hoc quod est anima nutriendi et augmentandi, habet etiam esse anima palmifica, unde palma non eget anima vegetabili et alia anima ad hoc ut fiat palma. Si enim hoc esset, profecto non haberet actiones nisi vegetabiles. Sed eius anima vegetabilis habet etiam in sua vegetabilitate quod est palmifica; similiter anima vegetabilis quae est in animali, post creationem animalis, habet actiones quas agit sola secundum quod est tantum vegetabilis. Hae igitur animae nutritivae vegetandi tamquam in genera conveniunt, sed specificis differentiis differunt." *Ibid.*, 98-99. Cf. Avicenna, *De Anima*, II, i, f. 6va, almost *ad litteram*, and V, vii, f. 27.

[25] "Quamvis autem omnis anima sit substantia, et hae similiter sint in unoquoque homine, quoniam in homine est anima vegetabilis, sensibilis et rationalis, non tamen tres substantiae sunt in homine. Humana enim anima, cum sit simplex una substantia, habet vires vegetabilis animae, et vires animae sensibilis, et vires animae rationalis. Similiter et anima sensibilis habet vires animae vegetabilis. Et quamvis hae vires sint diversae inter se ita ut una earum non praedicetur de altera, quippe cum unaquaeque earum sit species per se, tamen nihil prohibet eas perse similiter haberi ab anima rationali; quemadmodum quia invenimus humorem in aëre, non

soul presupposes the lower, without which it cannot exist. Neither can the sensitive exist without the vegetative, nor the rational in its turn without the vegetative and the sensitive; but the lower form, when conjoined with the higher, has not a separate existence but is implied in the higher, since the higher possesses all that the lower has and something besides: the higher the soul, the greater the power, the more comprehensive its virtue. The power which supervenes, being stronger, becomes the principle of that which preceded and remains the only principle and cause of all the powers and virtues operating there. Similarly with regard to the sensitive and rational souls, just as when the sensitive soul supervenes, the vegetative is superseded, so with the appearance of the rational soul all the operations both of the vegetative and sensitive are effected by the rational. The latter virtually includes the former, not in the sense that we can distinguish in the sensitive two souls and in the rational three, but in the sense that one single sŏul, the highest, has the power to produce all the operations previously motived by the vegetative and sensitive souls.[26]

We may unhesitatingly conclude therefore that, whereas Gundissalinus brought into circulation, in the *De Anima* (ch. vii), the Avencebrolian teaching of hylomorphic composition in spiritual substances, in the fourth chapter, on the contrary, he

separatum a calore, non tamen idcirco necesse ut humorem et calorem quae sunt in aëre, non habeat aliqua una forma vel aliqua una materia; sic etiam de viribus animalum." *Ibid.*, 99; cf. Avicenna, *De Anima*, V, vii, f. 27vb.

[26] *Ibid.*, pp. 100-101; the text will be given *infra*.—Albertus Magnus (*Summa de Creaturis*, II, q. 5, a. 1) asks the same question "Utrum anima sit una, vel multae in omnibus animatis" (ed. Borgnet, 35, 63). He brings forward several arguments from Gundissalinus connecting him with Avicenna: "Sed contra hoc (i. e. that there is one soul for all living beings) sunt multae rationes *Toletani* et Avicennae" (64a), which he qualifies as "propriae et physicae" (65a). He is also acquainted with the arguments of the opposite opinion and tells us that "prima duo similia huius sectae scripta sunt in libro Ptolemaei. Rationes autem continentur in libro Avicennae" (63b).

handed down the genuine Avicennist doctrine of unity of soul in all living beings. As Professor Gilson rightly remarks, " toute pluralité des âmes dans un être vivant est une impossibilité dans la doctrine d'Avicenne. L'âme, telle qu'il la conçoit, est un principe unique d'où émanent des facultés multiples, et ces facultés ne peuvent s'unir qu'en elle." [27] There is here a complete agreement between the two philosophers.[28]

If more convincing evidence were needed, I might add that the most striking passages are borrowed almost textually from Avicenna. As a specimen I give one or two extracts:

GUNDISSALINUS	AVICENNA
Quemadmodum	Cuius rei ponamus exemplum in naturalibus. Loco substantiae separatae cogitemus ignem aut solem, et loco corporis aliquod corpus quod patiatur ex igne, et sit sphericum; loco autem animae vegetabilis sit ipsum calefieri ex igne, et loco animae animalis sit ipsum illuminari ab illo, et loco animae humanae sit in eo ignem accendi. Dicamus ergo quod hoc corpus sphericum patiens, si ignis agentis in illud non fuerit situs talis ut paulatim recipiat in se ignem accendi, nec lucem eius et lumen, sed situs eius talis sit ut recipiat ab eo calorem, et non recipiat amplius, si vers fuerit situs eius talis ut recipiat calorem ab ipso, et propter hoc fuerit ei prope
si unum corpus ponatur ad solem, cuius situs talis esse potest, ut non recipiat a sole nisi calorem tantum, si vero talis fuerit situs eius ut recipiat calorem et illuminationem,	

[27] E. Gilson, " Les sources Gréco-Arabes de l'Augustinisme Avicennisant," *Arch.* HDLMA, 4 (1929), 51. See pp. 41-53, where the whole question is thoroughly discussed.

[28] Gilson only touches Gundisalvi's treatment of the question, but he is able to conclude: " Les deux philosophes se trouvent donc avoir du même coup une conception identique de l'unité de l'âme dans le composé." *Ibid.*, 84.

GUNDISSALINUS	AVICENNA
	positum, aut pervium, aut aliquo alio modo illuminetur ab eo fortiter,
tunc simul calefacit et illuminatur, et lux cadens in illud erit principium calefaciendi illud. Sol enim non calefacit nisi radio. Deinde si maior fuerit eius aptitudo, ut etiam possit accendi, accendetur et fiet flamma;	tunc simul cum eo calefiet et illuminabitur, et lux cadens in illud ex ipso erit principium cum separato calefaciendi illud. Sol enim non calefacit nisi radio. Deinde si aptitudo fuerit maior, et si fuerit ibi aliquod quod solet accendi ab agente, quod solet urere sua virtute aut radio, accendetur et fiet flamma, seu corpus simile separato aliquo modo;
quae flamma etiam erit causa colefaciendi et illuminandi simul, ita	quae flamma etiam erit cum separato causa calefaciendi et illuminandi simul, ita
ut quamvis sola esset, tamen perficietur calefactio et illuminatio. Et praeter hoc calefactio poterat inveveniri per se sola, quorum posterius non esset principium a	ut quamvis sola esset, tamen perficeretur calefactio et illuminatio. Et praeter hoc etiam poterit calefactio inveniri per se sola, aut calefactio et illuminatio per se sola, quorum posterius non esset principium a
quo emanaret prius. Cum autem omnia simul[a] concurrunt, tunc id quod fuerat posterius, fit principium etiam prioris et amanat ab eo id quod erat prius. Sic ergo dispositionem virium animarum facile intelligere poteris, si per corpus calefieri intelligas illud tantum vegetari, et postea illuminari illud ab anima sensificari, et per accendi vero animam rationalem sibi infundi.[29]	quo emanaret prius. Cum autem omnia simul concurrunt, tunc id quod fuerat posterius fit principium etiam prioris et emanat ab eo id quod erat prius. Sic debet intelligi dispositio virtutum animalium.

[29] Löwenthal, *op. cit.*, 100-101; Avicenna, *De Anima*, P. V, c. vii, f. 27vb. I have modified Löwenthal's punctuation, and collated the Avicenna text with MS. Bodl. 463 (S. C. 2456), f. 175ra.

[a] Löwenthal reads: similia.

Another characteristic passage is the one quoted above of the "anima palmifica" and the "anima uvifica," which is equally taken verbatim from Avicenna.[30]

Moreover, in Ch. III, Gundissalinus, adhering closely to Avicenna, in order to establish that the soul is a substance, and not an accident, bases his reasoning precisely on the thesis of the oneness of soul in a living composite, whether it be true, of animal, or man. And to prove in its turn the unity of the soul he argues that it is the soul that makes man what he is and imparts to him his specific nature, since it is the self-same principle that bestows life and movement, and governs and acts in man. It is not by reason of two or more principles, but by virtue of the self-same principle, to wit the soul, that an organic body is a body and a definite kind of body, namely, an animal or human body, since whatever perfection is superadded to an already constituted being does not impart a specific being, but merely an accidental being or a mode of being. Hence, unless we admit the patent contradiction that one and the same being could belong to two different species, we must agree that the soul confers on the organic composite a complete substantial being, and consequently that the soul is one. In fact, as soon as the soul departs from the body, the body is no longer an animal or a human body, but becomes something else, with a completely different nature.

GUNDISSALINUS	AVICENNA
Nam corpus proprium in quo propria existit unaquaeque animarum, scilicet tam vegetabilis, quam sensibilis, quam etiam rationalis, non est id quod est ex complexione * propria, sed ex anima. Anima enim est quae facit illud	Quia materia propria in qua existunt istae animae [vegetabilis, sensibilis et rationalis] non est id quod est nisi ex complexione propria, et non remanet existens cum illa complexione pro-

[30] Cf. *supra*, n. 24, where Gundissalinus' text is given in full, and Avicenna, *De Anima*, P. II, c. i, f. 6va. See also P. V, c. vii, f. 27.

GUNDISSALINUS

esse illius complexionis, nec permanet in complexione propria in actu nisi quamdiu fuerit anima in illo. Anima enim sine dubio est causa per quam vegetabile et animal sunt illius complexionis. Ipsa enim anima est principium generationis et vegetationis. Unde impossibile est ut proprium subiectum animae sit id quod est in actu nisi per animam.

Non enim verum est ut proprium subiectum animae prius constituatur ab illo cui postea adveniat anima quasi non habens partem in

eius constitutione vel diffinitione, sicut accidentia quae consequuntur esse rei consecutione necessaria, [non] [c] constituentia illud in actu, immo ipsa anima constituit suum proprium et dat ei esse in actu.

Cum vero anima separatur ab eo, succedit necessario cum eius separatione alia forma quae est sicut opposita formae complexionali. Haec enim forma et materia haec, quam habebat dum aderat anima, non remanet post animam in sua specie, quoniam destruitur species eius et eius substantia quae erat subiectum animae.

AVICENNA

pria in effectu nisi quamdiu fuerit anima in illa. Anima enim est quae facit eam illius complexionis.

Anima enim sine dubio est causa qua vegetabile et animale sunt illius complexionis quam habent. Anima etenim est principium generationis et vegetationis, sicut diximus. Ergo proprium subiectum animae impossibile est esse id in effectu nisi per animam, et anima est causa unde est sic; et impossibile est dici quod subiectum proprium habet esse in natura sua et quod hoc fiat causa alterius rei quae non est anima, cui postea adveniat anima, sicut pars aliqua quae non habet postea partem in eius diffinitione, nec in eius constitutione [b] vel eius ordine, sicut dispositio accidentium, quorum esse consequitur esse subiecti sui consecutione necessaria, et non sunt constituentia subiectum in effectu. Ergo anima est constituens suum proprium subiectum et dat ei esse in effectu. . . .

Cum autem separatur anima sequitur necessario ut accidat ei cum separatione eius forma inanimalitatis, quae est sicut opposita formae complexionali, quae est congrua animae; et haec forma et haec materia quam habebat anima non remansit post animam in sua specie aliquo modo, sed destruitur eius species et eius substancia quae erat subiectum animae, et anima sub-

Gundissalinus	Avicenna
Illud ergo corpus naturale non erit iam sicut erat, sed habebit aliam formam et alia accidentia, cuius aliquando pereunt aliquae partes, et dissolvitur substantia propter eorum mutationem. Unde non remanet essentia materiae post separationem animae, et quod erat subiectum animae fit subiectum alterius rei. Ergo animam esse in corpore non idem est quod accidens esse in subiecto. Anima igitur non est accidens, non est corpus, est igitur substantia.[31]	stituit in eo aliam formam, propter quam remaneat materia in effectu in sui natura. Illud ergo corpus naturale non erit iam sicut erat, sed habebit aliam formam et alia accidentia. Et aliquando peribunt aliquae eius partes et separabuntur a substantia postquam mutatum est totum, et non erit servata essentia materiae post separationem animae, sed quae erat subiectum animae fit nunc subiectum alterius ab illa. Ergo animam esse in corpore non est idem quod accidens in subiecto esse. Ergo anima substantia est, quia est forma quae non est in subiecto.

There is no need to elaborate the point any further, for I feel confident that I have shown that Gundissalinus' teaching here is only the faithful echo of Avicenna's doctrine on the unity of soul in all living beings.

As a striking mark, however, of Gundisalvi's fashion of compiling his books and of his facile and unwearied passing from one author to another, we may remark a passage which he copied from Avencebrol and added consecutively to the other passage, already quoted, which was transcribed from Avicenna.

After the passage: " Quemadmodum si unum corpus . . . et per accendi vero animam rationalem sibi infundi," given above,[32] he goes on thus:

[a] Löwenthal reads: compositione, which I have corrected as in the text.

[b] The Venice edition 1508, f. 3va has: destructione(!).

[c] Löwenthal's text is here almost unintelligible; I have changed: *vero in* : non.

[31] Löwenthal, *op. cit.*, 95-96;—Avicenna, *De Anima*, P. I, c. iii (ed. Venetiis, 1508, f. 3va); MS. *Oxford*, Bodl. 463, f. 142va.

[32] Cf. *supra*, pp. 12-13.

GUNDISSALINUS	AVENCEBROL
fortior enim est actio animae rationalis quam animalis, et animalis fortior quam vegetabilis. Anima enim vegetabilis movet partes corporis sine mutatione totius de	Quod autem perfectius est, agit in minus perfectum et imprimit in illud. . . . Evenit hoc quod anima vegetabilis est agens in naturam, quia perfectior est ea et fortior. . . . Postquam movere animae animalis est movere totum corpus et commutare de loco ad locum alium totaliter, et movere animae vegetabilis est movere partes corporis sine mutatione totius de loco ad locum: nonne opus est ut actio animae animalis fortior sit quam vegetabilis? . . .
loco ad locum totaliter, et animalis vero movet totum corpus de loco ad locum totaliter,	
et anima animalis coniun-	Et etiam, quia anima animalis superat vegetabilem, ideo quod anima animalis coniungitur formis corporum, quae conveniunt ei in subtilitate, cominus vel eminus, et extraxit eas a formis earum corporalibus, anima autem vegetabilis coniungitur essentiae corporum, quia convenit eis in crassitudine, et hoc prope et continue tantum. . . . Ergo debet esse ut anima animalis sit agens in animam vegetabilem, ideo quia perfectior est ea et fortior. . . . Secundum hanc considerationem quam tibi ostendi in his tribus substantiis erit similiter dicendum de anima rationali et de intelligentia.
gitur formis corporum convenientibus sibi in subtilitate, cominus aut eminus, et abstrahit eas [a] formis corporalibus. Anima igitur vegetabilis coniungitur essentiae corporum, quia convenit cum eis in spissitudine, et hoc praecipue et continue tantum. Unde anima sensibilis agit in vegetabilem, et vegetabilis in naturam, et rationalis agit in sensibilem, sicut intellectiva agit in rationalem.[33]	

It might be added that consistency does not seem to be the

[33] Löwenthal, 101; Avencebrol (ed. Baeumker, 185-187), III, 47-48.—This passage is not mentioned in the list drawn by Baeumker, otherwise so accurate, of Gundissalius' borrowings from Avencebrol, cf. *Studien und Charakteristiken*, 268-269.

highest quality in Gundissalinus. It is not, then, surprising to find in his other writings, especially those which came more closely under Avencebrol's influence, the theory of plurality either purely suggested or openly taught. After all in such a compiler as Gundissalinus, one should not expect a perfect uniformity and a thorough consonance of doctrine.

As a matter of fact, we meet in the *De Processione mundi* with the chief tenets of Avencebrol's teaching propounded again and again. Matter and form are described in the same terms as those of Avencebrol:

> Materia est prima substantia per se existens, sustentatrix diversitatis, una numero. Item, materia prima est substantia receptibilis omnium formarum.[34]

> "Forma vero prima est substantia constituens essentiam omnium formarum." [35]

By popularizing these theories, Gundissalinus contributed immensely to wide-spread a certain notion of matter and form incompatible with the thesis of the oneness of substantial form in one and the same individual. By proclaiming that other Avencebrolian doctrine that "Quicquid intellectus dividit et resolvit in aliquid, compositum est ex his, in quae resolvitur," [36] he provided the pluralists with the fundamental principle on which stands their thesis.[37] Rightly, then, Théry remarks that,

[34] G. Bülow, *Des Dominicus Gundissalinus Schrift "Von dem Hervorgange der Welt"* (*De Processione mundi*). Münster, 1925 (BGPM, XXIV, 3), 30; *Fons Vitae*, V, 22: "Descriptio materiae primae, quae sumpta est ex eius proprietate, haec est, scilicet quod est substantia existens per se, sustentatrix diversitatis, una numero; et iterum describitur sic, quod est substantia receptibilis omnium formarum" (ed. Baeumker, 298, 13-17).

[35] *Ibid.*, 30; *Fons Vitae, loc. cit.*, 298, 17-19: "Descriptio formae universalis haec est, scilicet quod est substantia constituens essentiam omnium formarum."

[36] *Ibid.*, 4; *Fons Vit.*, II, 16 (51, 17-19): "Quicquid compositorum intelligentia dividit et resolvit in aliud, est compositum ex illo in quod resolvitur."

[37] Cf. Wittmann, *op. cit.*, 17-18; M. de Wulf, *Le traité "De Unitate Formae" de Gilles de Lessines* (Les Philosophes Belges, I). Louvain, 1901, 35.

though in this work Gundissalinus does not deal expressly with the problem, "le pluralisme est sous-jacent."[38]

In the *De Unitate*,—which, ascribed wrongly to Boethius, enjoyed in the thirteenth century an extraordinary popularity—Gundissalinus is more explicit. As a point of fact, he reproduces simply Avencebrol:

> Quia igitur materia in supremis formata est forma intelligentiae, deinde forma rationalis animae, postea vero forma sensibilis animae, deinde inferius forma animae vegetabilis, deinde forma naturae, ad ultimum autem in infimis forma corporis: hoc non accidit ex diversitate virtutis agentis, se ex aptitudine materiae suscipientis.[39]

Without pursuing our inquiry any further we may conclude that it seems quite certain that the problem of the plurality or unity of substantial form was formulated in the schools by Gundissalinus. He popularized both theories; on the one hand, he transmitted the thesis of unity in his *De Anima*; and, on the other hand, conveyed the opposite theory either directly or indirectly through some of his other writings. So that, after all, it is not to be wondered at that his teaching has been diversely interpreted.

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[38] Théry, *op. cit.*, 150 note; he quotes *ibid.* a long extract implying the same teaching, cf. ed. Bülow, 55, 6-56, 12.

[39] P. Correns, *Die dem Boethius fälschlich zugeschriebene Abhandlung des Dominicus Gundisalvi De Unitate. Texte und Untersuchungen* (BGPM, I, 1). Münster, 1891, 8, 1-6. Cf. *Fons Vitae.* V, 20: "Exemplum huius est quia forma intelligentiae est forma prima spiritualis quae coniuncta est materiae, et quae eam sequitur, est forma animae rationalis, deinde forma animae sensibilis, deinde forma animae vegetabilis, deinde forma naturae, deinde forma substantiae, deinde forma corporis, deinde forma figurae et coloris." C. Baeumker, *Avencebrolis (Ibn Gebirol) Fons Vitae ex arabico in Latinum translatus ab Iohanne Hispano et Dominico Gundissalino. Ex codicibus Parisinis, Amploniano, Columbino primum edidit* (BGPM, I, 2-4). Münster, 1892-1895, 295, 11-16. See: Wittmann, *op. cit.*, 17-19; Théry, *op. cit.*, 149-151.

THE NEO-REALISTIC CRITICISM OF SUBSTANCE

I

AMONG the significant innovations urged by the American school of neo-realism has been the rejection of the concept of substance. Important scholars have called attention to this neo-realistic animus, but none has answered the criticisms in any systematic way. They have remained a standing challenge to all who presumed to retain the concept. Indeed Spaulding, in his last book, does not consider it necessary to argue the case further. He holds the argument to be closed for the most part and proceeds to offer a "substanceless metaphysics."[1] The fact, however, that representatives of other schools in American thought, viz. idealism, critical realism, and neo-scholasticism, employ the notion of substance without explicitly refuting the neo-realistic criticisms calls for an examination of this critique. And now that Professor E. B. McGilvary has announced that he will present "Surmises Toward a Philosophical System" as the Carus Lecturer next December it is well to ask whether the elimination of substance deserves to be for him an "invincible" surmise.

By rejecting substance neo-realists believe they are showing that the alleged presence in unitary complexes of "an entity . . . over and above their qualities, properties, and relations" is mistaken. What is denied is that "the unity of the thing *substands*, underlies, transcends, or is otherwise concealed beyond or within its manifestations."[2]

Formally at least the neo-realistic criticisms of substance depend on the validity of the analytic method as a final instrument of research. Neo-realists have regarded substance as one

[1] *A World of Chance* (New York: The Macmillan Company, 1936), p. xvi. This book will be referred to below as WOC.

[2] R. B. Perry, *General Theory of Value* (New York: Longmans, Green and Company, 1926), p. 403. This work will be referred to hereafter as GTV.

of the " complexes," that are capable of further reduction and not as itself a simple category.[3] But many critics of neo-realism have never conceded the finality of analytic method, though the essentials of analysis are employed by all trained thinkers. The neo-realistic attempt to explain the universe by its reduction to simples has not been a success. In the first place, the concept of " simplicity " was always ambiguous, for it referred in some contexts merely to the fact of bare being, and in others to determinate beings which were complex. Secondly, the practice of explaining the complex by the simple was a failure because it made impossible an interpretation for the origin and change of complexes. Furthermore, the method of analysis has been shown to be inadequate because it renders no satisfactory explanation for the properties which are unique with organic wholes. Organic wholes are not mere sums of their parts as Perry and Holt seemed to imply, nor " non-rational elements in nature " as Spaulding held.

These defects in the analytic method make it plain that the method of synopsis must supplement analysis. According to synopsis the results of analysis are studied in relation to each other, their significance is evaluated, and an explanation for them in relation to all the facts of experience is offered. Since the analytic method cannot be considered a final means of research the rejection of substance is at any rate not necessary because of the method used by neo-realists.

Since neo-realists consider their earlier criticisms of substance valid their arguments must be gathered here chiefly from their earlier works.

II

The realists begin their critique of substance by calling attention to the fact that the concept is a result of habit.[4] But

[3] E. B. Holt, et al., *The New Realism* (New York: The Macmillan Company, 1912), pp. 33, 127. This work will be referred to as NR.

[4] Perry, GTV, pp. 403-405; Holt, *The Concept of Consciousness* (Lon-

since the origin of a doctrine never determines its meaning and validity and since any concept that is intelligible must be a result of habit this observation need not be considered here.

Logically the first direct argument against the concept of substance advanced by neo-realists is that no empirical evidence can be found for it. Experience does not reveal a "thing-in-itself" or residual substance beyond qualities and relations.[5] It is of course true that substance as such is never given in sense experience, but there is much more to experience than mere perception.[6] Interpretation, inference, prediction, and perhaps even construction, are verifiable factors in experience. Missing premises of a logical argument are not perceived but inferred. Eclipses are predicted and earthquakes are explained through reference to causes that are never perceived. It would be as legitimate to assume a substance to account for the behavior of a given material particle even though it had never been experienced in sense. If the concept of substance is to be rejected it must be more because it serves no necessary function in explaining the facts of sense than because it lies beyond the reach of perceptual experience. Yet care must be taken to use these supplementary factors of reason sparingly, and in this respect the present criticism of substance constitutes a just warning.

The second criticism of substance offered by neo-realists is that even if the concept were assumed on rational grounds the hypothesis would explain nothing.[7] There are, however, at least two functions which substance performs that are not so

don: George Allen and Company, Ltd., 1914), pp. 62, 64, 135. Abbreviation for this book is COC.

[5] Holt, COC, pp. 128, 131; Holt, et al., NR, p. 103; W. T. Marvin, *A First Book in Metaphysics* (New York: The Macmillan Company, 1912), p. 174 (abbreviation is FBM). Spaulding continues this argument in *A World of Chance*, pp. 187-188, et passim.

[6] It should be remembered that logical entities, the realistic substitutes for substance, are never given as such in experience either (Holt, et al., NR, 127). They are constructed by reason fully as much as substance.

[7] Marvin, FBM, pp. 178, 185, 174.

well explained on other grounds. The first of these is the dual function of permanence and activity in change.[8] Whether it be change of state or of place the fundamental concept in change is motion. But the neo-realistic statement of motion as "a series of complex terms, each of which consists of a one-one correlating relation between a specific term of the space and a specific term of the time series," and each of which is related asymmetrically and transitively to the others,[9] is insufficient on two counts. First, no explanation is given of how in this series complex terms and relations acquire and terminate their association. Realists refuse to ascribe this capacity to terms and relations themselves. The only conclusion must be that motion is more than the mere fact of logical relation. It is a substantial whole or unit of activity which persists after some relations terminate and before others are acquired. Change must be change *of* something, i. e. a substance. Secondly, neo-realists err in viewing change as a mere succession. A series of relations which are "correlated" but have no other common and permeating element is a succession. A mere succession of entirely disconnected contents held together by no common permanent nature persisting in spite of the transition would not be change.[10] To call succession change is a confusion of terms which robs both of their natural meaning. A relational statement of change is possible but it is not so complete and not even as accurate as the view that substance provides the element of permanence in change.

A second function which substance performs is that of individuality or identity.[11] Individuality may be ascribed to that

[8] Cf. W. D. Oliver, "Substance as a Locus of Meaning." The *Journal of Philosophy*, 34 (1937), p. 145.

[9] Holt, et al., NR, pp. 196, 203; Spaulding, *The New Rationalism* (New York: Henry Holt and Company, 1918), p. 500.

[10] J. B. Pratt, *Personal Realism* (New York: The Macmillan Company, 1937), p. 71.

[11] Cf. J. W. Nason, "In Defense of Substance." The *Journal of Philosophy*, 34 (1937), p. 683.

self-contained, unique, and active whole which maintains a relative constancy through change. A thing is more than a mere loose collection of qualities and relations. The latter are unified through a mode of activity that manifests a unique pattern, but does not destroy the integrity of qualities and relations. Substance is necessary to account for wholeness and uniqueness, factors which qualities and relations alone cannot supply. Neo-realists attempt to account for individuality, but finally conclude that the broad denotation of the term "object" prevents one from distinguishing clearly one "thing" from another.[12] Each thing is a function of every other when it is defined by relations.[13] Such indefiniteness results from the failure to consider activity an ultimate concept.

According to the third criticism of substance offered by neo-realists, the relation between a substance, if there were such, and its properties would be unclear. Only an arbitrary but not a necessary relation would exist between them.[14] Even if one were compelled to admit that there is no answer to this criticism, other and more serious difficulties would arise if substance were rejected. As already pointed out substance is necessary to acount for the individuality and identity of particular things, and for the fact of their permanence in change. It would be simpler to accept the supposedly mysterious fact that qualities are related through substance than to fail in the explanation of these other two fundamental notions. But the relation of substance to its attributes need be no more "arbitrary" than any other relation to which a realist gives atten-

[12] Holt, et al., NR, pp. 369, 372, 382, 383-384, 446-447.

[13] Marvin, FBM, pp. 175, 25-27; Perry, PPT, p. 64. McGilvary has recently reiterated that there is no "*principium individuationis* . . . in the order of *being* . . . other than the totality of the characters of the thing in the totality of its relations to other things." Cf. E. B. McGilvary, "Relations and Universals." The *Journal of Philosophy*, 36 (1939), p. 7.

[14] Perry, *Present Philosophical Tendencies* (New York: Longmans, Green and Company, 1912), pp. 67, 69.

tion. The external relations of the realist are also arbitrary. In fact, the neo-realistic failure to provide an adequate theory of individuality betrays the difficulties that arise when relations are considered arbitrary and never necessary. On the other hand, the theory of substance as the seat of individuality requires that certain relations be bound in necessary conjunction. Unless relations and attributes join in substance, i. e. unless there is some internal connection between them, the impression of thinghood would not arise. It is just as reasonable to say that this coordination of elements is no " fiction " created by the perceiving mind as it is to believe the individual elements or qualities are independent of the mind.[15] Substance is a necessary and not an arbitrary assumption to account for this conjunction of qualities and relations.

So long as one holds to a purely atomistic view of reality the relation of substance and attribute is puzzling. Neo-realists maintain that dynamical considerations are " more confusing than clarifying " [16] and that internal relations result in skepticism since terms would then lose their identity.[17] But the very fact that the believer in external relations can understand what the internalist means by his theory presupposes that in actual practice terms have a relatively determinate meaning regardless of their context. Though they may be altered by their relations they do not lose their identity any more than oxygen loses its identity when related to hydrogen. Oxygen does undergo change, but it remains a distinguishable component of water. Substance may be thought of as the factor of wholeness which synthesizes the relations in a given complex. Substance is immanent in attributes but not exhaustively defined by them.

As a fourth criticism of substance neo-realists assert that even if the doctrine were logically necessary substance could

[15] Cf. J. B. Pratt, *op. cit.*, p. 69.
[16] Holt, et al., NR, p. 104.
[17] *Ibid.*, pp. 166, 167; Spaulding, NR, p. 183; Marvin, FBM, pp. 86-88.

not be defined. It would be an "indefinite potentiality" deemed "capable of anything and everything," of intelligible as well as physical force.[18] So far as this argument is an objection to substance because the latter is often vaguely and indefinitely conceived it may be granted validity. A thing, and hence substance, cannot even *be* without being in some determinate way, and as soon as the determinate character of the thing is mentioned, both qualities and substance are under consideration. It is impossible to divorce the "that" from the "what" of a thing. The thing *is* in some sense its qualities and there is no use in thinking of a vague and indefinite something totally beyond or beneath them.

Yet if this is a criticism of substance as the seat of potentiality serious complications arise. If there is no potentiality beyond the qualities and relations of a given object, say an electron, which accounts for the fact that these qualities and relations move as a unit in a certain orbit, or become joined to other qualities and relations so as to produce an atom, then this potentiality must rest in the qualities and relations themselves. They must themselves originate their own motion and be able to assume and terminate relations. But terms and relations for the neo-realist are of a logical and finally of a mathematical character,[19] and hence devoid of such powers. Unless neo-realists provide for potentiality they have no right to condemn substance.[20]

[18] Perry, PPT, p. 69, GTV, p. 406; Marvin, FBM, p. 178.

[19] Spaulding, NR, pp. 205, 494.

[20] Montague does, of course, realize this difficulty. He holds that the backward and forward reference of events in time and their outward reach in space requires the notion of potentiality. His conclusion that the potentiality of the physical is the actuality of the psychical, and that the potentiality of the psychical is the actuality of the physical, amounts to an avowal of substance. Cf. Holt, et al., NR, pp. 281-283.

Spaulding's stress on contingency in *A World of Chance* seems to result in a disconnected aggregate of logical entities where potentiality is even more "indefinite" and hence more of a problem than when the concept of substance is employed.

Even assuming the indefinability of the concept of substance its indefinability need be no cause for alarm. Any realm of discourse rests finally upon a limited number of indefinables. A few basic concepts must be taken to have relative fixity and clarity of meaning without definition in terms of anything else. Otherwise arguments would be circular, or become embroiled in an infinite regress. Substance is at least no less understandable as an ultimate than the terms and relations which neo-realists consider final.

A further criticism of substance involves the relation of universal and particular. As a fifth argument neo-realists assert that substance would require one to believe that the simple elements of the universe form some kind or many kinds of exclusive organization. But they do not "belong" together. To hold that this is so is to commit the "fallacy of exclusive particularity." If the characters of gold belonged exclusively to "gold," then "yellowness," "lustre," "softness," and "smoothness" could not very well be ascribed to any other object, e. g. a brass button. On the other hand, no home can be provided for the elements of experience. They remain "at large" and belong to no constituency.[21]

The critic of realism will agree that some simple notions, e. g. number, difference, implication, are present in many, and perhaps in all, complexes that can be mentioned. In this sense they do not "belong" exclusively to any one complex in which they appear. But what the presence of these simples in a wide variety of complexes must mean is that the simples are applicable to thought about many different complex things. To hold that a universal or simple, e. g. the notion of "difference," *as such* enters into each complex and individual thing about which "difference" can be asserted, breaks down the distinc-

[21] Holt, et al., NR, pp. 128, 129, 119, 14, 366. Spaulding, NR, p. 258; Holt, COC, p. 120; Perry, PPT, p. 316, "Peace Without Victory—In Philosophy" (*Philosophy*, 3 [1928]), p. 301.

tion between universal and particular.[22] This would mean that there are as many universals as particulars—a manifest absurdity. The only alternative rests in the belief that universals refer, or apply to a number of particulars. They are present in particulars but are also different from them.

A universal or simple is not an autonomous entity that bears no intimate connection with its particular instances. It actually belongs to, is dependent upon and determined by those instances. Formulation of a universal represents the observation of a limited number of cases where the same kind of generality is present. Hence a universal is never known as such, i. e. in all of its instances, nor apart from any of them. The construction of universals apart from particular complexes is a bit of rationalism unwarranted by logic [23] and certainly contrary to the neo-realistic cause of radical empiricism.

If the universal elements of reality are intimately bound to the instances where they occur the concept of substance remains a tenable notion. Particulars, e. g. golf balls, are not loose collections of such universals as "difference," "whiteness," and so on. They are complexes of a unique character different in some respects from every other simple or complex entity in the universe. The presence of universals in them means that relations exist between these unique complexes and the rest of the universe. Substance is the ground of individuality, the means of reconciling the oneness in manyness, the uniqueness in generality, which every particular thing manifests.

A final realistic argument against substance is that the substance-attribute formula cannot express some truths and that even the recognized functions of substance are better assumed

[22] McGilvary does not appear to escape this difficulty in his last article. Cf. *op. cit.*, pp. 11, 13, *et passim.*

[23] Morris Cohen pointed out that nominalism was the real enemy of neo-realism in his review of the cooperative volume in the *Journal of Philosophy*, 10)1913), p. 198. Cf. also H. Ruja, "The New Rationalism." The *Journal of Philosophy*, 35 (1938), pp. 282-283.

by relations. The concept of substance is a vestige of primitive thought whereas progress in thought has come from a substitution of relation for substance.[24] Here neo-realists rightly indicate a weakness in the Aristotelian logic. The latter stresses primarily the nature of terms or subjects, whereas the new logic emphasizes the relations between terms. There is definite value in considering the symmetrical, asymmetrical, transitive, and intransitive, relations of entities in series.

Yet Spaulding's contention that the subject-predicate relation *cannot* express some relations, e. g. "less than," or "implies," is indefensible. If one says "a nickel is less than a dime," he can be referring to the fact that a nickel has the property, and thus *is* the property, of being less than a dime. Or, "A implies B," can also be expressed by the proposition "A is implier of B," i. e. A has the property of being implier of B. It may be admitted that some "distortion" of the two original propositions was necessary in order to employ the substance-attribute, or subject-predicate, relation. Their meaning was, nevertheless, clearly expressed. Though the relation "less than" refers both to "a nickel" and to "a dime" there is no harm done by considering it an attribute of "a nickel." It may be useful to employ other relations than the subject-predicate relation but the latter need not be abandoned. Relational propositions can be, and perhaps must be, finally put into subject-predicate form.[25] The substance-attribute formula remains, therefore, a valid one.

Not only is it possible to express relations by means of substance and attribute, but it is also practically advantageous. At any given moment only part of a thing's, e. g. a pencil's relations are evident. As the pencil lies on the desk one may

[24] Spaulding, NR, pp. xvi, 42-43, 173, 36, 157-158, 192, 156, 174-175; Marvin, FBM, pp. 173-175, 178; Perry, PPT, p. 308.

[25] D. W. Prall, "The Logical Substantive," *University of California Publications in Philosophy*, 9 (1927), pp. 42, 45, 49, 50, 55.

give a relational definition of it by saying it is that which is "to the right of" the blotter, "above" the desk, "excluding" other physical bodies, "exerting so many ounces pressure" on the desk. But some relations of this object which truly constitute it a pencil are not present at the moment under discussion. The relation of "marking a line on a page" or that of "creating" a message to another person beside the writer are not present, and these are what justifies one in calling this complex a pencil. To call a thing its relations would thus result in a truncated definition of it, for only a few of those relations could be enumerated at a given moment. Apparently some provision must be made for joining the relations and qualities which a thing manifests at a given moment with those it manifests at another.

The realist might retort that no theory can define a thing by all its attributes or relations, for nothing ever manifests all its relations at once. This is true, but as observed above, a theory of substance would supply that element of potentiality which would make the origin of future attributes and relations in conjunction with those already present at a given moment plausible. The continuance of association characteristic of some relations and the discontinuance characteristic of others is not explained by the neo-realist. It is exceedingly dubious, therefore, whether the concept of relation can ever supplant that of substance.

III

Neo-realists have rendered good service by this critique of substance. The latter may serve as this generation's reexamination of a fundamental concept in the light of new logic and science. This application of the scientific method helps to make it clear once more that matter does not consist of an aggregate of solid, indestructible, and substantial atoms, or an inconceivable substance which supports qualities and relations though

distinct from them. Such a scrutiny of this notion also constitutes another protest against any view of mental or spiritual substance as a transcendent, non-empirical, unanalyzable, and unknowable soul or self. Nor does one dare, in the face of such a demand for rigorous analysis, hold that the universe is internally related in such a universal substance that finite beings are robbed of every degree of independence. There are some external relations. A universal and absolute substance which is the home of vague and lawless powers or causes must of course also be denied, as neo-realists assert.

On the other hand, the failure of neo-realists adequately to account for the properties unique with organic wholes, or to provide a satisfactory theory of identity and individuality, of permanence in change, or of the origin of change, persuades one to conclude that substance in some senses still must be retained.

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QUAESTIONES DISPUTANDAE

SOME "theses" become so much a part of our thinking that we easily grow accustomed to using them as formulae without, maybe, too much attention to their meaning or to the value of the reasoning on which they rest. This may serve as an excuse for asking some questions on matters that may seem or have seemed entirely obvious. The questions proposed here grow out of the general subject of the life of the separated soul and are asked seriously, because the questioner does not know the answer.

I. Is there a Circle here?

In *Contra Gentiles*, ii, 80, it is argued that the human soul cannot survive the body, because apart from the body there would be no operation possible for the soul. For to have the intellectual operation of understanding the phantasms are needed to supply the object of intellect. Hence, when the phantasms cease with the death of the body, there will remain no object for the intellect, and consequently there can be no operation of the intellect and therefore no continued existence of the intellectual substance, for no substance can exist without some operation.

In answering this reasoning in chapter 81, St. Thomas falls back on his general principle, which, no doubt, his opponent would admit, that everything acts according to its mode of existence. Now for the human soul there are two modes of existing, one in the body and the other separated from the body. Consequently there must be two modes of operation, one by turning to the phantasms and the other without reference to phantasms. In brief, the objector contends that the soul has one way of existing — in the body — and therefore one corresponding way of operating — by conversion to the phantasms.

St. Thomas contends that the soul has two ways of existing with the corresponding two ways of operating.

Now if we admit that the soul has two ways of existing, the difficulty is solved. But the point of our question is, can we assume or prove at this point that the soul has two ways of existing unless we can first show that it has two ways of operating? After all it is only through its operations that we can know that the soul has any existence at all, or the capability of an immortal existence.

And may I make the statement, for some perhaps challengeable, that St. Thomas does not attempt to prove the immortality of the human soul? Even in *Q. Disp. de Anima*, q. 14, where the question is: *Utrum anima sit immortalis*, his conclusion is: *Unde relinquitur animam humanam esse incorruptibilem*, which, of course, is not exactly the same thing. He does assert the future life of the soul, for example, in the passage on which our original question was based, and in numerous other places.

In *QQ. Disp. de Veritate*, q. 19, a. 1, where he is dealing with the question: *Utrum anima post mortem possit intelligere*, St. Thomas admits with Aristotle that if the soul had no proper operation (and by proper operation here he means an operation the soul can perform without the body), it would not be possible for the soul to exist without the body. But, he tells us, we hold by faith that the soul continues to exist separated from the body and therefore by the same necessity of faith we must hold that the separated soul can have intellectual operations. This is, of course, conclusive for a believer, but it has the disadvantage of transferring the discussion to theological grounds and does not show how the philosophical reasoning escapes the charge of circularity. It would not be fair to St. Thomas to leave the impression that in this place or elsewhere he rests his case wholly on the evidence of faith. But his argument for the possibility of operation for the separated soul is based on the

assumption of two modes of existence for the soul. The same assumption is made in *Q. Disp. de Anima*, a. 15, and in *Summa Theologica*, i, q. 89, a. 1.

It is true that in each case he has already dealt with the question of the incorruptibility of the soul, and therefore he is entitled to his assumptions, provided it is legitimate to assert the future life of the soul on the basis of its incorruptibility before a special mode of operating for the separated soul is established. When he is arguing for the incorruptibility of the soul (e. g., in *Q. Disp. de Anima*, q. 14), he founds his reasoning on the nature of the soul as a *forma habens esse* and not merely a form which is *quo aliquid fit*. The latter kind of form exists only with the existence of the compound of which it is a part, and is therefore corruptible with the compound. But the *forma habens esse*, even if it is a part of a compound, does not exist with the existence of the compound, but rather gives its existence to the compound. Such a form is not dependent for its existence on the compound and is therefore incorruptible. That the human soul is such a kind of form he proves from the fact that it has a *per se* operation—the operation of intellect—and consequently a *per se* existence. Still in the case of the human intellect in the state of union with the body, even the *per se* operation of intellect is conditioned by dependence on the phantasms. If we could think of the human soul as just intellect, there would be no question of dependence on a body. But this, of course, we cannot do without going over to the Platonic position. If we must regard the soul as by nature the form of a body, we must also regard the human intellect as by nature conditioned by a dependence (extrinsic, of course, but a dependence none the less) on the body. And if this dependence is natural to the human intellect, why does it not remain in the separated soul? St. Thomas arguing for the continuance of the *intellectus agens* in the separated soul, even though it is no longer needed to make phantasms intelligible, contends that it

does remain because it is natural, and what is natural remains (*QQ. Disp. de Veritate*, q. 19, a. 1, ad 8).

The dependence on the body is certainly a necessary condition for the human intellect in the state of union of soul and body. Have we any rational evidence that it can cease to be a necessary condition for the state of the separated soul? It may be said that it can no longer be necessary when the phantasms no longer exist. But might not this show, not that the intellect is then delivered from this necessity, but rather that, since a necessary condition for its operation has become impossible of fulfilment, the operation itself has become impossible? And if the separate intellectual operation is not possible, the difficulty about the separate existence remains.

The whole point of this discussion, then, can be summed up in the question: Have we a right to assert, on grounds of reason, that the human soul has a mode of operation independent of the body because it has an existence independent of the body, if we cannot show, on grounds of reason also, that it has such a separate existence without having first shown that it is capable of operating in such a state of separation?

In many passages, which will be familiar to students, St. Thomas draws suggestions from the experience of dreams, ecstasies, etc., of the possibility of intellectual activity with at least more than ordinary independence of matter. These suggestions do not quite reach to the dimensions of demonstration of the possibility of independent intellectual operation, but they are valuable as pointing in that direction.

II. What Functions has the *Intellectus agens*?

The occasion for this second question arises out of the answer given by St. Thomas to the ninth objection in *Q. Disp. de Anima*, a. 15. In the ninth place it was argued that the separated soul would have to understand through some potency. Now the potencies are two: *the intellectus possibilis* and the

intellectus agens. But the separated soul cannot understand through either; for both have reference to the phantasms: the *intellectus agens* to make the phantasms intelligible in act, and the *intellectus possibilis* to receive the intelligible species abstracted from the phantasms. But when there are no longer any phantasms, there will be no function for either intellect.

St. Thomas answers:

> Operatio intellectus agentis et possibilis respicit phantasmata secundum quod est anima corpori unita. Sed cum erit anima a corpore separata, per intellectum possibilem recipiet species effluentes a substantiis superioribus, et *per intellectum agentem habebit virtutem ad intelligendum.*

The last clause has been underlined because it is the source of our question.

If we are thinking of the *intellectus agens* as functioning in a soul united to a body, there would seem to be no need of looking for any other activity than that of making the potentially intelligible object intelligible actually. St. Thomas certainly stresses this function; e. g.,

> Omne quod intelligitur non intelligitur nisi illustratum lumine intellectus agentis, et receptum in intellectu possibili.
>
> *In I Sent.,* dist. 3, q. 4, a. 5

> Intellectus agentis est illuminare, non quidem alium intellectum, sed intelligibilia in potentia, in quantum per abstractionem facit ea intelligibilia actu.
>
> *Sum. Theol.,* i, q. 54, a. 4, ad 2

To illumine the potentially intelligible is the function assigned to the *intellectus agens,* and it performs this function *per abstractionem a materia et a materialibus conditionibus* (*Q. Disp. de Anima,* a. 4). It is needed for this purpose because

> Intelligit intellectus possibilis noster aliquid quasi unum in multis. Tale autem non invenitur in rerum natura subsistens . . . Oportet igitur si intellectus possibilis debet moveri ab intelligibili, quod hujusmodi intelligibile per intellectum fiat.
>
> *ibid.*

And from many passages this would seem to be the sole reason for admitting an acting intellect.

> Si autem universalia per se subsisterent in rerum natura, sicut Platonici posuerunt, necessitas nulla esset ponere intellectum agentem.
>
> *ibid.*

> Et similiter non esset necesse ponere intellectum agentem si universalia, quae sunt intelligibilia actu per se subsisterent extra animam, sicut posuit Plato.
>
> *De Spirit. Creat.* a. 9

And yet in the passage from which our question arises another use for the *intellectus agens* seems to be given in the underlined clause: *et per intellectum agentem habebit virtutem ad intelligendum.* This assertion of some other function besides that of making the potentially intelligible actually intelligible does not stand on the authority of this passage alone, for in another place we read:

> Secundum opinionem Platonis nulla necessitas erat ponere intellectum agentem ad faciendum intelligibilia in actu, *sed forte ad praebendum lumen intelligibile intelligenti,* ut infra dicetur.
>
> *Sum. Theol.,* i, q. 79, a. 3

Again the pertinent part has been underlined. In the following article (a. 4) to which we are referred for the fulfilment of the promise, *ut infra dicetur,* we are told that a participating, mobile and imperfect intellect presupposes an unparticipating, immobile and perfect intellect from which it may receive its power of understanding. Now granting that this is a separate substance — St. Thomas says it is God —, there must still be in the soul itself a power of making the intelligible in act. In the activity of all perfect things there is always found, besides the influence of the universal agent, also a power inherent in the particular agent, for only so could the action be thought of as belonging to the particular agent (St. Thomas is not an occasionalist). Therefore Aristotle compares the *intellectus*

agens to light received in the air, though Plato compares it to the sun.—This, however, does not seem to bring us beyond the function of illuminating the phantasms. But as was noted in the passage from the *Summa* cited above (i, q. 54, a. 4, ad 2), for the intellect to illumine the phantasms means to make them intelligible in act.

The search for another function for the *intellectus agens*, besides that of making the intelligible in act, would appear to have led to no result. This leaves the distinct meaning of the clauses: *per intellectum agentem habebit virtutem ad intelligendum*, and, *sed forte ad praebendum lumen intelligibile intelligenti*, still in doubt. And one wonders what can be the function of the *intellectus agens* in the separate soul when there are no longer any *intelligibilia in potentia* to be rendered *intelligibilia in actu*.

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BOOK REVIEWS

Commentaria In De Anima Aristotelis. By THOMAS DE VIO CARDINALIS CAIETANUS. Editionem curavit P. d. Coquelle, O. P. Vol. I. Romae apud Institutum "Angelicum," 1938.

Father Coquelle, O. P., the editor of Cardinal Cajetan's Commentary on *De Anima* of Aristotle, very fittingly acknowledges his debt of gratitude to Father M. H. Laurent, O. P. for his introduction to the edition under question. Gratitude is, indeed, due to Father Laurent, for he has excellently described the background and the entire historical setting of the Commentary.

The first or original Commentary of Cajetan was published in Florence in 1510. The sixteenth century was an epoch during which the ancient philosophical systems were submerged by the prevailing systems of the day. In spite of this fact the Commentary of Cajetan commanded attention. However, it is not merely the time of the writing but rather the work itself and its influence on contemporary thought which have entitled the Commentary of Thomas De Vio on Aristotle's *De Anima* to the rank it holds in the philosophical world. This Commentary on *De Anima* was written at a period in which Scholastic thought was almost dormant and Scholastic methodology was obsolete, yet, the aim of the commentator to give new life to the text of Aristotle and to correct the errors which had crept in through erroneous interpretations was reached.

One of the very remarkable features of the work of Cajetan is its originality although one would naturally expect that living in such a period he would be influenced to some extent by the many systems of thought reigning at the time. Father Laurent claims that there is not such influence found in the Commentary on *De Anima.*

The man largely responsible for the erroneous interpretation of Aristotle was Averroes. From the early days of the thirteenth century and through the subsequent centuries the doctrine of Averroes concerning Aristotle was maintained and defended at the various centers of Italian studies. During the fifteenth century it was formally introduced into the universities of Northern Italy, and the two questions under discussion at the time were the unity of the intellect and the immortality of the soul. These questions were the subject of dispute

not only among university professors, but they had developed into popular issues. In fact, Cardinal Cajetan took the question of the immortality of the soul. These questions were the subject of dispute in the Advent of 1503. They were also the two questions definitely treated by Aristotle in *De Anima*, but which were commonly explained after the interpretation of Averroes. Cajetan was aware of the necessity of showing that the Averroestic interpretation was wrong and he set himself to this task. The subject matter was not new to him; he had entered into discussion while he was a young professor at the University of Padua, and he had preached on the same questions. As was to be expected he met with much opposition not only from those outside his own religious family but also from some of the members of the Order of Preachers. Father Laurent has succinctly discussed the questions raised by the leading antagonists.

Father Coquelle in his edition of Cajetan's Commentary on the first book of *De Anima* is equal to Father Laurent. He gives the Aristotelian text, some at the beginning and some at the end, the Commentary between the two divisions. Eleven questions centered round the immortality of the soul are commented upon. The first question deals with knowledge in general. Speculative knowledge is distinguished from practical knowledge; the former is simply honorable, while the latter is both honorable and praiseworthy. The second question concerned the certitude of the knowledge of the soul. The various kinds of certitude, as physical, mathematical and metaphysical are here discussed. Cajetan bases his comments on the works of the Angelic Doctor and of Albert the Great as well as on that of Aristotle. He concludes that the science of the soul excels in certitude mathematical demonstration. The third question concerns the nobility of our knowledge of the soul. The question is asked if the knowledge of the soul is the most noble of all knowledge, the divine excluded. The text of Aristotle indicates that the soul is the noblest of all the forms of nature, and its nobility arises from the nature of the soul. Thus the knowledge of the soul is the most excellent of all forms of knowledge, the divine excepted. The fourth and fifth questions concern the assistance the knowledge of the soul gives to other forms of knowledge. The sixth question relates to the separability of the soul and body. There is some doubt as to the meaning of the text of Aristotle on this question and the five following questions are centered round this discussion of the text.

The edition of the Commentary of the first book of *De Anima* is very

timely and it is to be hoped that the Commentary on the other books will soon follow. The immortality of the soul and the unity of the intellect while not the leading questions of today are still as vital as they were in the days of Thomas De Vio or as he is commonly known, Cardinal Cajetan.

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Geist in Welt. Zur Metaphysik der endlichen Erkenntnis bei Thomas von Aquin. By KARL RAHNER. Innsbruck, Felizian Rauch, 1939. xvi + 296 pp.

This book is difficult of approach, because of the abstractedness of the matter, the subtleties of the reasoning and complicatedness of expression. Like many philosophical works published in to-day Germany the author chooses to use a peculiar phraseology, moulded partly on the one of Dr. Heidegger, a feature which does not facilitate understanding. Many of the things stated in a rather selfwilling and unusual German could doubtless be said in a simpler way too. One will readily concede that Dr. Heidegger coined some new and apt expressions; but one feels too that there are others and better examples to follow, even among the German philosophers who generally did not excell by simplicity and clearness of language.

Dr. Rahner declares, in his preface, that he abstains from quoting extensively other authors because he does not know of any work of an intention like his own and none which he might have simply quoted with assent. He states, furthermore, that he feels great obligations to Rousselot and to Maréchal. In regard to the latter, there is apparently more than mere obligation. It seems that Dr. Rahner attempts, in reference to modern German philosophy, especially the one of Heidegger, and also of Hegelianism, something similar to the enterprise of Maréchal's *rapprochement* of Thomism and Kantianism. The name of Heidegger does not occur in the book, and Hegel's is just mentioned. There is, however, one author whose work is referred to more than once, in a generally assenting manner, Siewerth, who in 1933 published a little treatise on the Metaphysics of Knowledge according to Aquinas, a dissertation of the University at Freiburg-Germany, M. Honecker having acted as major professor; but the author states expressly that he is very indebted to Dr. Heidegger for many advices.

Dr. Rahner's intention is: to separate himself from much what to-day is called New Scholasticism, to go back to Thomas himself, and to get thus an approach to those questions which to-day's philosophy has to answer (Pref. p. v). This statement seems to imply the assumption that these questions of modern philosophy are legitimate problems. One might, however, well question whether they really are. By taking this for granted, the author takes his stand, from the very first, on a point which perhaps not all modern Scholastics, whether "so-called" or real, will be ready to share.

The book rests on a quite uncommonly thorough knowledge of Thomistic texts. The author knows how to bring together texts taken from all kinds of sources which, at first sight, seem to have but little bearing on the subject under discussion. The essential unity of Thomistic thought is brought out with an unusual clarity. The method of treating all texts as equal is open, however, to some criticism. It is true that the philosophy of Aquinas is laid down, in way of a program, already in his first writings, the *De ente* and the *In sententias*. On the other hand, there is doubtless a certain evolution also in the mind of the Angelic doctor. This has been pointed out forcibly by F. Sladeczek, S. J., in his article on the Intellectual Cognition of Particulars (Schol. I. 1925). It does not seem advisable to put simply in line quotations taken from earlier works, *e. g.*, the *De ver.* and others from the later writings, e. g., the *Summa theol.* This article is not listed among the 22 items of the bibliography.

The division of matter is this: after a short introduction follows part I, discussing S. th. I. q. 84. a. 7. (*Utrum intellectus possit actu intelligere per species intelligibiles quas penes se habet, non convertendo se ad phantasmata*); the text of the article is reproduced. Part II, by far the largest (pp. 35-280), deals with the *conversio ad phantasma.* Part III, which we are told is but an abstract of a much larger treatise, raises the question whether metaphysics is possible "on the basis (*Boden*) of *imaginatio.*"

The introduction defines the method applied by the author. Discarding all interpretations and commentaries, he desires to "look at the thing itself with Thomas." (The expression "thing itself" reminds one very much of the philosophical outlook of Husserl and, consequently, of Heidegger.) The important task is "to understand anew the philosophy of Aquinas in its execution from its first and often but imperfectly (or inexpressedly, *wenig ausdruecklich*) stated point of depart. . . . This becomes possible only by giving oneself to the dynamics of the thing,

from a definite point of depart, measuring nevertheless the progress continuously by the statements of the philosopher himself." The author feels forced, by this method, to go beyond the strict statements of Aquinas himself, to develop the positions he believes to discover involved in the propositions of Thomistic philosophy. He warns us to expect neither a historical treatment of Thomism, nor to find every assertion covered by a quotation.

A thorough analysis of this book would have, accordingly, to consider two main tasks. One would have to inquire into the legitimation of Dr. Rahner's personal interpretation of Aquinas, and, second, to ascertain whether his personal philosophy—what he feels to be a consequential development of Thomistic implications—is justified. One would, in regard to the second point, have especially to find out whether the author does not, surreptitiously, as it were, introduce certain views which as such are not implied in Thomism. It is generally not difficult to give to a text an interpretation which creates an apparent accordance with philosophical ideas one cherishes. Aquinas method in dealing with Augustinian and some other texts is quite a striking instance. Even Aristotle was credited sometimes with views which he himself would perhaps have repudiated. But Aquinas never left any doubt on this point, viz. that he wanted to rebuild Christian philosophy by making the greatest possible use of Aristotelianism. The philosophical background of Dr. Rahner, however, is not fully revealed to the reader. He is content to remark that he supposes every reader sufficiently acquainted with modern philosophy (meaning apparently but modern German philosophy) to discover the points in common. To appreciate, in the sense of approval as well as of critique, this book one has to be indeed well read not only in Scholastic, but also in the philosophy of the latest years. The author himself, probably, does not expect to see his work received as an " orthodox " interpretation of Thomism and as an answer to the questions touched upon which will be acceptable to everyone.

The task mentioned in the foregoing paragraph is, however, much too great as to be achieved in the few lines of a book-report which can but give a faint idea of the main propositions.

The peculiarity of the author's position becomes perhaps most visible in the general remarks by which he introduces his speculative analysis of the possibility of metaphysics. We read p. 41: " Being and knowing are an original unity. . . . Knowledge does not come across its object by chance. . . . Knowledge is not achieved '*per contactum intellectus*

ad rem intelligibilem,' but being and knowing are the same: *idem intellectus et intellectum et intelligere.'* Knowing means that being is with itself (*Beisichsein*) and this being-with-itself is the *esse* of being (*das Sein des Seienden*)." These expression denote, for that matter, very clearly the indebtedness of this philosophy to that of Hegel and of Heidegger.

It is indeed true that Aquinas, as F. Rahner goes on to show, declares, in *De ver.* that the height of being has to be judged according to its capacity of being with itself. But it may nevertheless be doubtful, whether the interpretation of the passage quoted (*C. G.* II. c. 98; *De ver.* q. 8. a. 7.) is truly "*ad mentem doctoris.*" All depends on how the term of *intellectum* has to be taken. Moreover, one may question the right of identifying the "reality" of the *res intelligibilis* with being in general.

This chapter ends with determining "being with itself as being with another" as sensible cognition—*praesentia mundi*— and "being with itself as being posited against another"—as thought—*oppositio mundi.* The following sections illustrate, enlarge, and comment these preliminary determinations. How fundamental the notion of "being with itself" becomes, may be seen by the first words of the chapter on "the a-priori structures of sensibility"—space and time, of course—which words underscore that "knowledge is being with itself, reflexion of being into itself."

Not less unusual than the interpretation of cognition is F. Rahner's conception of the *intellectus agens.* According to Aquinas, says he, the *intellectus agens* is essentially determined by its getting hold of being as such (*erfasst das esse schlechthin*); this conception remains questionable in spite of the pains the author takes to prove it as the truly Thomistic one. Not only the "so-called" Neo-scholastic cannot but be amazed at this statement.

Nobody, however, will deny, after having read this work, that its author remains absolutly true to his first notions and that the single propositions are closely linked together. If this book is lacking anything, it is surely not consequentiality. But this very feature makes a further analysis meaningless. We may readily concede to the learned author that his thesis follows from his basic positions. But whether these are justified, will be very doubtful to many readers.

F. Rahner points out that he does not deal with epistemology, but with metaphysics of knowledge. It is indeed the metaphysical back-

ground which gains a decisive influence on his single statements. We cannot but feel that this kind of metaphysics is not anymore Thomistic; it has too many features originally belonging either to idealism or to the philosophy of existence, for being granted the name of Thomistic philosophy.

Even if one heartily disapproves of F. Rahner's philosophy, it will be quite useful to study his work. The critical reader will become aware of a definite danger threatening Neo-Thomism; the tendency of "modernizing" Aquinas by proving his philosophy to contain already—at least in way of germs—the problems and answers of certain ultra-modern systems may easily lead to a disruption of the system of Thomism. One may, of course, attempt such a demonstration; but it will bear fruit only if, at the same time, the differences are pointed out very forcibly. This, however, can be done only by stating clearly the philosophical propositions which are considered. We cannot well accuse the author of compromising; but it is difficult not to get the impression of his misinterpreting Aquinas for the sake of modernization and for making his philosophy palatable to certain "modern" minds. But the book is interesting, challenging, and worth while to be studied—and criticized.

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St. Augustine's Philosophy of Beauty. By EMMANUEL CHAPMAN. New York: Sheed & Ward, 1939. Pp. xiii-114.

Some liberal art colleges are insisting that the original teachers in these colleges should be the ancient classical authors studied in their great books. Two criteria are usually demanded (1) that the author be a master of the liberal arts of his time who attempts to deal with truth objectively and (2) that the book have a clarity permitting of intelligibility thus stimulating the reader to plumb its depth and grandeur. The greatness of a book may be extrinsic by reason of its influence on men and civilization or it may be intrinsic. If the above criteria be used then we see that it is intrinsic greatness that becomes of primary importance. *St. Augustine's Philosophy of Beauty* presents a difficulty in this respect. No one would deny the intrinsic greatness of the works of Augustine but since we are presented with an English translation plus a commentary we must not think that at all times we are reading the

real words of Augustine. And this is what makes this book for the most part merely another book about a book. The author's aim was to let St. Augustine answer the question "What then is the beautiful and what is beauty?" He then puts himself in the role of a judge by "putting order" into the texts of Augustine. My dispute rests on the author's authority to put Augustine into order for he thereby mutilates and confuses a mind that knew order and expressed it automatically by his chronologically arranged writings on beauty—the subject of Chapman's dissertation. Chapman states in his foreword that "his (Augustine's) mind overflowed any arbitrarily imposed limitations into digressions on the beautiful" and then he imposes the arbitrary limitation of his own order on the texts of Augustine. The rich, brilliant unfolding of Augustine's mind is thereby entirely lost to us and what could have proven a valuable contribution to our language becomes a patched quilt with brilliant colors visible when we know we are reading the ordered thought of Augustine and drabness all too apparent when we seek the principle of order used by the author. Why not let Augustine speak for himself by translating his text as he chronologically wrote on beauty and then in footnotes let us have the author's commentary. The wheat would then be separated from the chaff and even the value of the chaff would be appreciated.

Five chapters dealing with the experience of the beautiful, the aesthetic constituents, the nature of beauty, the judgment of beauty and the meaning of art compromise this book. The author has added an afterword on modern painting. It will be the purpose of this reviewer merely to expose the focal points of Augustine's teaching as given by Dr. Chapman.

1. *The Experience of the beautiful.*

St. Augustine differentiates aesthetic from other experience by starting with the external object and proceeding to the subject and then to God. Not every object can be experienced aesthetically and since objects which are enjoyed are distinguished from those which are used, unless a thing is enjoyed for its own sake and for no other reason it cannot enter into aesthetic experience. This experience is founded on joy in contemplating the real and involves love. It is of the nature of love that the lover is acted upon by the object loved and is in some way transformed to its image. If the lover becomes in some way like the object loved then it becomes of supreme importance what objects are

loved. To love lower things is to materialize oneself. To love eternal things is to become eternal. For Augustine the *Beatific Vision* which is perfect joy in the contemplation of the Supreme Object, is the aesthetic experience *par excellence* and the perfect archetype of all the aesthetic experiences achieved in this life.

2. *The Constituents of the Aesthetic object.*

Number, form, unity and order are the constituents of an aesthetic object. Number for Augustine was not merely a mathematical abstraction but "an intelligible ingredient entering into the ontological structure of the object." Plato writes of God composing the universe according to the laws of number and Augustine in his commentary on the Book of Genesis says: "Measure fixes the mode of everything number gives it its species, and weight gives it rest and stability."

Without form things could not be and they have being in so far as they possess form. It is not matter which makes a body but form. Matter, a complete privation of form is not evil; it receives form which is always a good. A form may be called bad only when it lacks the form which it should have. No creature is wholly formless and since it has form it is beautiful.

The desire for unity is so firmly implanted in man that he is always seeking the aesthetic experience of a unified self with a unified object. Any beautiful object is more worthy of praise in its totality as a whole than in any one of its parts. For example, if the syllables which pass as soon as their sound is heard are considered in a poem, little of pleasure is found for the beauty comes not from each syllable but from the unity and arrangement of all the syllables. What is true of a work of art applies to the whole order of creation which is God's work of art.

Order for Augustine is not only a primary aesthetic element which binds together and integrates the aesthetic elements but is an ontological principle found in all things. In nature as well as in art we find order. Order submits the inferior to the superior and reduces that which it disposes into harmony. By coordination and subordination a thing made up of parts is worked into an ordered whole which becomes an aesthetic object in so far as it is an ordinated unity. Order is also identified with peace for peace is the tranquillity of order. Order pervades the immaterial as well as the material; virtue is the order of love; the good is a love of things conformed to order; and so much

meaning has the splendor of order that to love order is ultimately to love God who has set in order all things in number, inclination and measure. Augustine's emphasis on the ugly as a subordinate element in beauty is interesting: Those who deny the order of the universe by mentioning defects forget that evil and suffering find their aesthetic justification in the order that maintains through distinctions the harmony of the universe. A sinful soul in its punishment contributes to the beauty and order of the universe. As the beauty of a picture is increased by well-managed shadows which please by their order and not their form so too evil and ugliness when brought into order assure the beauty of the whole.

3. *The Nature of Beauty.*

Aware of beauty that is found differently in every realm of being Augustine's keen thought on various types of beauty is given in this chapter—sensible and intelligible beauty, the beauty of art and nature, of all created things, the universe as a whole and its Creator, the beauty of man in his body, his soul and the virtues which give his soul life, the beauty of justice, truth, wisdom, and God who is Supreme Beauty.

4. *The Judgment of Beauty.*

Beauty is not only perceived but judged and Augustine teaches that by beauty man is borne up to God. He appeals to divine illumination (not innatism) for a true judgment on any aspect of any aesthetic object. What the mind sees in the natural light of this illumination is the necessary truth of its judgment. This necessity, for Augustine, does not come from things or from the mind but from a source higher than the mind—the action of Divine Ideas on the mind. He climaxes this doctrine by saying that the contemplation of Supreme Beauty calls for the supernatural illumination of grace through which man is raised above the natural order.

5. *The Meaning of Art.*

a) What art is. Art depends on reason and must not be identified with imitation. Though the imagination has a role in a work of art, art as such is primarily of the mind for all the arts arise from reason. In *De Quantitate animae* Augustine says that even a tight-rope walker has art if he has apprehended the principles of tight-rope walking. Bodily dexterity and suppleness may be an extrinsic material condition.

b) Christian art. When the work of art is true to its own nature and well made according to its own purpose then it praises God. Beauty and praise go together. When beautiful works cease to praise God they are condemned to the petty praise of self.

c) Art and morality. Although art is concerned with making and morality with doing when a conflict arises the lesser good must be subordinated to the higher. Augustine sums this up well by saying that a work of art is good if its maker has made it well in conformity with the rules governing its making; but since it is man who makes, his art must be in conformity not only with the end of the thing but with his own last end.

This then gives us a synopsis of the teachings of St. Augustine on beauty—a teaching that ought to be studied by philosophers for the richness of its content. Dr. Chapman has made this possible to us and has documented his book with intelligent and copious notes. Let me repeat that my only fault is with his method which while endeavoring to allow St. Augustine's thought to stand out in crystal clearness has done just the opposite. But all lovers of aesthetics should read this book and we heartily recommend it to all, for even brushing shoulders with the great masters of antiquity leaves some of the perfume of their thought with us. As Plato said in the Republic: "Even the less gifted men if they happen to grow up among the masterpieces of architecture, sculpture and painting will imbibe a taste for beauty and decency—they will learn to find out what is perfect and what is deficient in nature and art and this rectitude of Judgment will gradually spread over to their souls."

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La Phénoménologie de l'Esprit. By G. W. F. HEGEL, traduction de Jean Hyppolite. Tome I. Paris: Aubier, 1939.

In a preface consisting of sixty-two pages, the author of *La Phénoménologie de l'Esprit* treats at length the relation of science and philosophy and the respective objects of each. Both science and philosophy are centered round the problem of knowledge or the acquisition of fundamental principles (which are completely absent in Hegelian philosophy). For Hegel science is philosophy and its object is the idea, not existing statically but in a state of dynamic evolution. The

thought or the idea is the only reality, and this reality is the absolute which contains all and is all. The absolute is truth and truth is all there is. It is the object, not the object, because truth is posited directly only as the subject. God is the Absolute only when He is used as the subject of a proposition. That science which has the idea in general or the absolute for its object is the true science, and it is this which is presented in *La Phénoménologie de l'Esprit*. The process of arriving at the idea or the absolute is long and it is attained only by the internal contradiction of thesis, antithesis and synthesis. Throughout the Preface Hegel continually repeats that all being is thought, or the idea or the absolute.

Knowledge possesses two movements; the art of knowing and the object which is known. The latter is negative in relation to the former. Knowledge contains nothing outside its own experience, and that which it experiences is a spiritual substance, which as such is its proper object. The inequality which takes place in the act of knowing between the *Ego* and its object, Hegel terms the difference. The *Phénoménologie de l'Esprit* is concerned with the concept of the object and is meant to be a preparation for the Logic or the science of the idea which is to follow.

In the Introduction to *La Phénoménologie de l'Esprit*, the author promises to lead the reader to a comprehension of the results as well as the beginning of a new philosophy by an analysis which is introspective as well as historical. It is here that the dialectical movement is stressed, especially when applied to the knowledge process, which for Hegel is the only reality. In the *Phénoménologie* he speaks of two dialectics; one is that of knowledge which is plunged in experience, and the other which is only for us is the necessary development of all the forms (figures) of knowledge.

The body of *La Phénoménologie de l'Esprit* is divided into three parts; namely, knowledge in general, knowledge of oneself, and the process of reasoning. Knowledge in general involves sensible certitude, perception, and power and understanding or the manifestation of the super-sensible world. Regarding sensible certitude, Hegel says that it appears as the richest kind of knowledge, for it has neither limit not extension in space or time. It also appears as the most true, because there is no error in the object. Nevertheless, this certitude reveals itself expressly as the most abstract and the poorest in truth of all forms of certitude. It knows only *this*, while truth consists in the being

of the thing. In this kind of certitude, knowledge is only of the pure *Ego,* or the *Ego* is the only pure *this.* Knowledge is the *Ego,* a pure *this.* But in this pure being which constitutes the essence of certitude there is a certain sensible effective reality which manifests the universal as the truth of its object.

The act of knowing the object is the positive step in the knowledge process. The second step, perception, by which the object is nothing other than itself is the negative aspect. For Hegel the universal considered as a principle is the essence of perception. He also claims that perception is the act by which one thing is distinguished from another.

In the dialectic of sensible certitude, knowledge seems to disappear into the passive understanding. In this action there is only one movement but two aspects; namely, the perceiving and the perceived. They form an inseparable unity and are related to the act of apprehending the true. In other words there seems to be two forces or powers in the dialectical determination. They exist as essences having their own being, but their existence is the movement of the one in relation to the other. The difference or the absolute concept must be understood as something inherent and immanent. As such it is something infinite.

Truth is for the act of knowing something other than itself. However, the concept of the true disappears in the experience made on it. The object was for itself immediately; it was the being of sensible certitude, the concrete thing of perception, the force or power of the understanding, although the object is not such in truth. The *thing-in-itself* reveal itself to be the result of the mode by which the object is only for another; the first representation is immediately suppressed in experience, thus certitude is lost in truth. Certitude of oneself is the proper object, and the knowledge of oneself is the true. The *thing-in-itself* is knowing, but it is also that for which there is another. In so far as it is itself it is the object of its being, and in so far as it is another it is identical with that other. The *Ego* is both the content of the relation and the same movement as the relation. In the dialectic knowledge or knowing is the master or superior, which is for itself and no longer the concept of knowing. The act of knowing for itself is a relation with itself through the mediation of another act of knowing, which is a knowledge of the essence. Hegel compares the two acts in the knowing process to master and slave. Truth is the master and is independent of servile knowing, which is exterior to the knowing *Ego.* Under truth and certitude of the *thing-in-itself,* Hegel discusses skepticism and Stoicism.

Hegel devotes approximately 160 pages to the discussion of the certitude and truth of the reasoning process. Reason, he defines, as knowledge of oneself. Under reason in general he discusses Idealism and the Categories. Reason being only with the meeting of the *thing-in-itself* and reality; and it progresses in the sense that it grasps the universal possession of being in general (*sein*). Through the long discussion of reason and its relation to truth and certitude, Hegel enters into long and involved explanations of the characteristics of reasoning, its laws, and the internal and external organisms connected with the process. It must be remembered that for Hegel reason is the dialectic, which consists of thesis, antithesis and synthesis.

Knowledge is the only effective reality. This thought is constantly repeated by the author of *La Phénoménologie.* Knowledge of oneself is not the immediate certitude of the whole reality of one's being; it is a certitude for which the immediate in general has the form of something concealed in such a manner that its objectivity is shown only as something superficial of which the interior and the essence are the knowledge of the *thing-in-itself.* In the examination of reason and its laws Hegel draws some distinction between the content and the form of reasoning; the whole examination seems to be based on a sort of ethical standard.

La Phénoménologie, like the other works of Hegel, is very difficult to understand, because Hegel uses terms which have a signification and comprehension exclusively his own, and he does not explain their meaning. In addition to this there are many inconsistencies in thought. The recent translation of this work into French is an indication that Hegelian philosophy is still vital in the world of thought.

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Quatre essais sur l'esprit dans sa condition charnelle. By JACQUES MARITAIN. Paris, Desclée de Brouwer, 1939. xiv + 268 pp.

A new book of Maritain's is always welcome, be it only for the brilliancy of style and the capacity of devising striking formulations. These four essais, however, touch on problems which are as actual as interesting. The first of them: Freudisme and Psychoanalysis inquires into the metaphysical and personal background of Freud's views. The

author sees in the philosophy of Freud the expression of " ressentiment." In discussing psychoanalysis Maritain relies mostly on the work of L. Dalbiez of which he shows much admiration, though there are many criticisms and objections which may be raised against this presentation and evaluation of psychoanalysis. The most important contribution of this volume is the second essay on Sign and Symbol (pp. 61-127). Its topic is insofar related to the one of the first chapter, as the concept of symbol plays a great rôle in the thoughts of Freud; but this scholar has misunderstood the nature of a symbol, or at least uses this name in a sense very different from the original and common meaning of the term. In dealing with the notion of sign Maritain refers constantly to John of St. Thomas and, of course, to Aquinas himself. He rather ignores modern views on sign and signification, excepted those of the ethnologists and sociologists, especially of Lévy-Bruhl. It was perhaps not possible to include in a short essai more extensive references to older and newer literature. But the reader would have liked to be made acquainted with Maritain's attitude in regard to the theory of signs in the philosophy, *e. g.,* of E. Husserl or in modern linguistic and general semantic analysis. Nor would it be without interest to study the evolution of the notion of sign from St. Augustine onwards, especially in the works of the earlier logicians and the later philosophers of language. The researches of Msgr. Grabmann have given us a better idea of the logic of William of Shyreswood whose theory of signs, known until now only by the excerpts in Prantl, is rather comprehensive and has had a great influence on later scholars. In the illustrations used by Aquinas and by his commentator one definitely feels the old tradition still at work. On the other hand, an inquiry into the influence of later, especially terministic, logic on more modern ideas would probably help in understanding many of the developments characteristic of the newer times since the XVIIth century. The distinction mentioned in first place by the author, viz. of *signum naturale* and *signum ad placitum* has a basic importance in the logic and epistemology of William of Occam.

The discovery of the significative value of a sign becomes the birth of intellectual life. Insofar animals use signs they do so without knowing of the relation of significance. Social life too rests on signs or symbols by which a group, a state, etc. become conscious of themselves. (It is, however, rather dangerous, this introducing the notion of consciousness in regard to social groups which have no consciousness outside of the one of their members.) Signs are, furthermore, speculative or prac-

tical, correspondent to the division of the intellectual faculty. They are to be divided also into instrumental and formal signs which latter may be called pure signs, mental forms whose whole essence consists in the signifying. A practical sign contains a manifestation of intellect and will; it may be natural, like spontaneous expression, or conventional, like a traffic-sign. (Here a discussion of the ideas of Husserl on *Zeichen* and of others on the Hegelian "objective spirit" would have been of a very great interest.) The highest category of practical signs are the sacraments.

Maritain proceeds to distinguish the magical signs and to characterize the mentality he calls "nocturnal"—in opposition to the "solar" realm of the intellect—and which belongs to imagination. This part contains an interesting analysis of magical and primitive mentality. Maritain conceives of it as a lower "state" in which the sides of higher intellectual life are already potentially, and partly even actually, present but which remains involved in the images and does not ascend to true concepts (*e. g.* of causality).

The third essai is on Natural Mystical Experience and is a reprint of a paper read at the Congress for Psychology of Religion, 1938, whose Proceedings have been published by the *Études Carmelitaines* (*La Nuit Mystique*). Chapter IV is entitled: Science and Philosophy and is mostly a discussion and a refutation of the positivistic "School of Vienna" (L. Carnap is the most prominent representant of this school in this country.) There is also an instructive analysis of the epistemological attitude of Marxistic dialectic; the relations obtaining between positivism and Marxism are indeed much more than merely accidental coincidences, due to personal likings and dislikings of some scholars. As an appendix, the book has some few pages on Intuition and Conceptualization, dealing in first line with ideas of Bergson, but referring also to the modern "Philosophy of Existence."

Essais cannot exhaust the matters they discuss. But just because many points are but touched upon, Maritain's new book becomes very stimulating. It puts forth some problems which have perhaps attracted not enough attention until now, and it manages to show how closely questions of scholastic speculation may be related to very practical ideas of to-day.

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The Catholic University of America.

Cosmologia. By GERARD ESSER. Techny, Ill.: Society of the Divine Word, 1939. Pp. xix + 357.

Father Esser's latest book, another member of the series already including Epistemologia, Metaphysica Generalis, Psychologia, represents a successful attempt to make cosmology a delightful subject for the student and the professor. This work, written rather to be a textbook than a remarkable contribution to the corpus of philosophical knowledge, fulfills admirably the purpose of the author in rendering the subject matter of cosmology easy to grasp.

The plan of the work manifests the author's desire to make the subject comprehensible. In treating the subject of cosmology, a study of the origin, nature, and destiny of the universe, Father Esser begins immediately with the nature of the physical universe, (rather than with the origin or the destiny), because he wants to establish firmly in the mind of the reader the " quod " of the subject.

The first part of the treatment includes a discussion of the properties of the physical universe, first those which manifest quantity, then those which manifest operation. The second part discusses the essence of bodies and includes a critical study of hylomorphism as applied both to organic and inorganic bodies. The third part of the work in its discussion of the origin and destiny of the world treats of materialism, pantheism, and creation.

While the whole book is well written, the subject matter sufficiently well presented, and the entire work suitably adapted to its purpose, namely, of achieving clarity, nevertheless there are certain portions of the work which deserve special mention because of the complete, clear, concise treatment given them.

In the first part of the work we find a fine treatment of quantity in all of its implications: the essence of quantity, a critique of Dynamism, the properties of quantity, the functions of quantity, and the nature of space.

Special attention should be called to Cosmologist Esser's position on the question of *actio in distans.* In establishing the metaphysical nonrepugnance of *actio in distans,* Father Esser cautions us that he has not proved the existence, but only the physical and metaphysical possibility of such a phenomenon. The author has been so careful in defining his concept of *actio in distans,* that it is doubtful whether even those who professedly deny the possibility of this doctrine will find it easy to disagree with him.

Is was gratifying to see that Father Esser, including in his discussion of hylomorphism a number of questions raised by the phenomenon of life, treated not only the most generic and primary consideration of cosmology, namely, bodies in motion, but also a secondary, and, I think, a very important consideration, namely, that of the nature of the "motion" in growing, living bodies. This subject has too often been relegated to the textbooks of psychology. To treat problems such as these in a course of psychology seems to lower the level of that study. Properly speaking, psychology should treat not of the *entelechia* or the *energia* but of the *psyche*. A treatment of certain elementary biological functions such as generation, vegetative life, heredity, physical necessity, and so on, is not only not out of place in cosmology, but is to be welcomed as an integral part of that study.

In matter of form, by eliminating much of the cumbersome in scholastic method, deleting wherever possible needless scholia, corrolaries, praenotanda, Father Esser has retained the most advantageous part of the syllogistic method in the form of *status quaestionis*, *thesis*, *probatio*, and adequate explanation. In this way the textbook surpasses others in clarity but does not, at the same time, drop into the opposite pitfall of oversimplification. In this respect it serves well as a textbook for him who is just beginning his philosophical journey.

The text is never dogmatic. If more than one position can be assumed in perfect orthodoxy, the author never obtrudes his opinion because of personal prejudice; alternative arguments are listed, permitting freedom of interpretation to the professor, and providing stimulation of thought to the student. (Cfr. Relativity, p. 184ff.).

Supplementary cosmological reading is suggested in a large bibliography of primary and secondary sources. The work is carefully indexed, the footnotes are well documented.

JEROME P. LEDVINA

The Catholic University of America.

Die philosophischen Grundlagen der katholischen Sittenlehre. By THEODOR STEINBUECHEL. Duesseldorf, L. Schwann, 1938. 410 + 297 pp.

These two volumes are the second part of the great *Handbuch der katholischen Sittenlehre*, edited by Fr. Tillmann who himself wrote the part on moral theology, while the one on the psychological basis of moral behavior was written by Th. Muencker; both these parts have

come out already so that the whole work is now complete. The author of this treatise on moral philosophy is well known by his prior works on the history of philosophy and allied topics. His is a very clear style, and his method of exposition impresses the reader by its precision and the limpidity of its formulations. The arrangement of the material is exceptionally lucid; we are told, at the beginning of each chapter and of each section, which points are to be discussed and which is the relation between them and the general problems. The disposition of the whole is given in the introductory parts.

The actual situation of philosophy and the theory of morals, especially as it reigns in modern Germany, made inevitable an extensive discussion of various moral philosophies. Though these critical parts can not be reported here, we want to point at them, because they afford a very valuable and instructive information on certain trends which have, partly at least, not attracted sufficient attention.

The author starts with delimiting the nature and the task of moral philosophy in general; it has to be distinguished from moral theology on one hand, and from psychology on the other. But moral philosophy which is conscious of its belonging to Catholicism cannot forget that it is controlled, as it were, in its results by faith, and that it depends, in many of its basic conceptions, on revelation. Man believing in truth revealed has, from the very beginning, another attitude in regard to moral problems than has one whose morality rests on merely human and natural ideas. The author could have well referred to St. Anselm's famous formula: *fides quaerens intellectum*; it is, with a Catholic philosopher always the believing mind which desires enlightenment and understanding. The author carefully analyses the peculiarities of this position as opposed to the systems of Idealism, Romanticism, of the so-called philosophy of life, and of the philosophy of existence.

The main task of a philosophy of morals is to understand the existence of moral demands, moral laws, moral phenomena as founded in the very nature of man. Even if we are fully aware of the rôle played, in foundation of morality as well as in the single moral acts, by supernatural factors, we have nevertheless to look, for the sake of attaining an understanding of the nature of morality, at human nature as such. There are, as a penetrating discussion proves, certain presuppositions one may justly call of ontology and of—philosophical—anthropology. Morality is a definite quality of human being and behaving. Good and bad are not only qualities of actions or of things or of situations, but

attributes of concrete human individuals. It is man himself who is good or bad. An understanding of human nature is, therefore, indispensable for the developing of a moral philosophy. Moral perfection is an essential possibility of human nature. Moral philosophy has, accordingly, to consider man in his moral being, and in his behavior in definite situations in which moral demands arise and decision becomes necessary. Though this report cannot detail the analysis of what the author calls "ethics of situation," it has nevertheless to point out that this analysis proves that the problems raised by modern philosophy of existence have their place within Catholic philosophy too, and that this philosophy is quite capable, by it own principles, to deal with these questions.

Consequently, the first volume culminates in a penetrating study of of man as natural being, as mind (*Geist*), and person. A brilliant and convincing synthesis of ideas current in Scholastic philosophy with certain others taken from modern anthropology and psychology shows man as a unity of several "layers"; the author makes, in this demonstration, a very happy use of the notion of microcosmos, and describes the dependence, on one hand, of the higher "parts" of human nature on the lower, the soul and the mind being linked to the body, and on the other hand the domination exercised by the highest parts on the lower; both these relations constitute the unity of human person. Though not in the same sense, because not substantially, there is a certain unity also in man's existing as individuality and as being connected with nature and the surrounding world. We can but just indicate these things without being allowed to enter into details; but even these brief allusions may serve for giving an idea of the range of the author's thought. The sections on anthropology, and with it the first volume, end with a discussion of the problem of freedom.

The first volume dealt with man; the second deals with morality. It inquires into the relations obtaining between being and values and in the nature of the latter. Quite in the spirit of Aquinas—with whose moral philosophy the author is particularly well acquainted, having years ago contributed, in Baeumker's *Beiträge,* a very instructive study on the idea of end in Thomas—stress is laid on the fact that man reaches perfection of his being, *i. e.* the full actuality of its potentialities, by submitting to the various orders he belongs to and by serving them; in realizing these orders man serves himself too. There is the order within human being itself, the order of nature and things, the social order and the relations of persons to each other, and the supernatural order. Moral

behavior rests on the knowledge of the good and the freedom in satisfying to the moral demands. Moral behavior consists in the moral attitude of the mind (*Gesinnung*) and the sense of duty; from these both springs the moral action. But to constitute true morality it is necessary that these conditions be realized not only as single acts, but as lasting habits and attitudes. Moral behavior is nothing which depends on chance or on accidental factors; it has to be the manifestation of the very being of the human person. The lasting self-existence of the moral person is virtue. We have chosen this set of ideas, though it could be rendered but very imperfectly, for illustrating the close connections the author, throughout all his speculations, knows how to establish between ontological and anthropological ideas on one hand, and moral philosophy on the other. This feature of the philosophy of Steinbuechel becomes particularly visible in his discussion of the problem of guilt. To become guilty means not, as *e. g.* Nic. Hartmann believes, an overlooking of values and a "mistaking" of lower values for higher ones; guilt means that man has become untrue to his own being, because he disregards the true order which he has to serve.

This work deserves to be studied very carefully. There is hardly one which takes account, to the same extent, of all the problems, ontological and of moral philosophy, nor one which as clearly draws the line between true Christian moral philosophy and a mere philosophy of values. Steinbuechel does not feel any need of legitimating Catholic moral philosophy before the judgment of modern speculation; but he is quite willing to acknowledge whenever one of the newer philosophers developed conceptions which, partly at least, contain some truth. This attitude, the only one which suits the Catholic philosopher, is far from making any concession or from attempting a weak compromise. Because of these qualities, this work may be truly called, in the best sense of the word, a modern Catholic philosophy.

RUDOLF ALLERS.

The Catholic University of America.

Psychologie, Wesen und Wirklichkeit der Seele. By MAXIMILIAN BECK. Leiden, A. w. Sijthoff's Uitgeversmaatschappij, 1938. 271 pp.

The author of this Psychology has published, several years ago, a two-volumes-treatise on *Wesen und Wert,* Essence and Value, and has been the editor and main contributor of a philosophical periodical, *Philosophische Hefte.* He is a pupil of Al. Pfaender and belongs avowedly

to the phenomenological school, though he maintains throughout his philosophy a position of his own. The present work is not a textbook of psychology; it is not even psychology in the current sense of the term, though it contains several chapters on descriptive psychology. But it might be best characterized as a philosophy of the mind, if Mr. Beck did not make the distinction of Mind (*Geist, Bewusstsein*) and soul the main thesis of his work. Soul is, to him, not only radically distinct from mind or consciousness, but from the life of the body too. Mr. Beck complains of psychology having neglected these fundamental distinctions and thus having become entangled in great difficulties and been led into serious errors. He is not unacquainted, as it seems, with Scholastic philosophy to which he makes allusion several times. One wonders, accordingly, that he did not trouble to investigate the theory of faculties which might have been very useful for his ends. No need to repeat here, that according to this theory the faculties are really distinct from the substance of the soul and from each other. If Mr. Beck lays stress on the fact that the attitudes of the soul and its peculiar "acts" are not to be confused with the phenomena of consciousness, he might have found in Aquinas some passages which could have enlightened him. There is a certain trend towards Scholasticism in this psychology, though it is perhaps more Averroistic than Thomistic.

"Acts"—as activities—belong to the soul; the mind is not active; it is nothing else but consciousness, awareness, a "looking" at things. The "acts"—Mr. Beck employs this term as Brentano or Husserl do—belong to the soul itself. They are acts of thought, comprising perception and imagination as well as thought strictly speaking, acts of *Gesinnung,* which word can perhaps be rendered as "mindedness" and of affects, acts of striving and volition. The 60 pages which Mr. Beck dedicates to the description and the analysis of these acts and their peculiarities are very instructive and contain many striking remarks.

The nature of the relation obtaining between Mind and Soul does not, however, become quite clear. Nor is one told what the relation of Soul and Life are, since the former is definitely distinguished from the principle of life. There is indeed no indication of Mr. Beck holding a definite trichotomic view; he nowhere states that there are three principles in man, as, *e. g.,* certain repristinations of gnosticism pretend.

The attitudes and activities of the soul are as such unconscious. There is no "unconscious consciousness," no unconscious which would be a repetition of conscious phenomena minus the quality of consciousness; but there is an unconscious life of the soul. But the soul, nevertheless,

has some knowledge of itself, or some awareness, in feelings, especially in joy. Mr. Beck's psychology trespasses often on the terrain of metaphysics and of ethics, of which fact the author is fully aware. Joy is self-assertion of the soul, the manner in which the soul knows of its existence; joy is also the guarantee of " Divine glory of the world." The soul is essentially, as soul and not in consciousness, beyond and outside of time. Future and past have another signification for the soul and for bodily things; the soul is still in possession of the past and already grasping the future, though these both have no existence in the physical world.

The philosophical background of Mr. Beck's ideas on the soul may be illustrated by some quotations from the last two paragraphs which deal with immortality. " The ego is alive and real as long as it actualizes psychic acts. This vital reality is lost when the real body to which the ego is linked dies. The ego loses its life—but it remains existent nevertheless: it goes on existing as essence, determination, as pure individual essence or ego, as a pure potency of all its actualized and in new worlds actualizable again experiences (*Erlebnisse,* which are affections of the soul, and not contents of consciousness).

This immortality the ego shares with all ideas. . . . The individual essence is not more liable to death than the essence 'triangle' or 'red.' But its reality, its life, they die. . . . Beyond psychology however the problem of immortality arises anew as the one of personal immortality. As such it becomes a problem of ethics as the doctrine of the real existenc of the mind in the individual ego. Moral person . . . is a free creation by man himself (*freie Selbstschoepfung*). Merely ideal immortality indicates that man failed, in his earthly life, to achieve the real existence of a spiritualized ego or a person. Thus, there is 'hell' as immanent punishment for infra-human, animal behavior in the sense of spiritual death; the non-spiritual man dies together with the death of his body like the beast, because he did not, by achieving a moral personality, create the substance which persists after the body and soul have become separated."

Mr. Beck's book contains also some very interesting criticisms of certain positions of Husserl's. The author generally abstains from all polemics and does not quote any other author. His work is the product of an original and somewhat selfwilling mind whose ideas may, however, prove interesting and stimulating to many readers.

The Catholic University of America. RUDOLF ALLERS.

NOTES AND COMMENTS

The Fifteenth Annual Meeting of the American Catholic Philosophical Association

The Fifteenth Annual Meeting of the American Catholic Philosophical Association will take place on the campus of the Catholic University of America, Washington, D. C., December 28 and 29, 1939. The general morning session will be held in the University auditorium in McMahon Hall, and the afternoon sectional meetings in the University auditorium, the Music Hall auditorium, and the Chemistry Hall auditorium. The general theme will be "The Philosophy of the State" with the following papers being read:

The Individual and the State, John F. McCormick, Loyola University, Chicago.

The Philosophy of Civil Rights, Joseph V. Trunk, Trinity College, Sioux City, Iowa.

The Philosophy of the Democratic State, G. A. Briefs, Georgetown University, Washington, D. C.

The Philosophy of the Totalitarian State, Waldemar Gurian, University of Notre Dame, Notre Dame, Indiana.

The Corporative State, Joseph Cook, St. Peters Seminary, London Ontario, Canada.

The Church and The State, Charles A. Hart, Catholic University of America, Washington, D. C.

The problems to be discussed and the leaders appointed in the sectional meetings are as follows:

Philosophy of Law and Government

Problem: Public Control of Private Property

Leaders: J. W. R. Maguire, Manhattan, Illinois, and Brendan Brown, Catholic University.

Logic and Method

Problem: The Extra-Syllogistic Forms of Reasoning

Leader: Sylvester Hartman, St. Joseph's College, Collegeville, Indiana

Problem: Plato's Grounds for Propounding His Ideas

Leader: James Caffey, Seminary of the Immaculate Conception, Huntington, Long Island, N. Y.

Metaphysics

Problem: The Metaphysical Basis of Political Action

Leaders: Albert Schlitzer, Notre Dame, Indiana, and Thomas A. Joyce, Dominican House of Studies, Washington, D. C.

Ethics and Philosophy of Society

Problem: In terms of what moral principles is democracy the best government?

Leaders: Mortimer Adler, University of Chicago, and Paul V. Kennedy, West Baden College, Indiana.

Psychology

Problem: The Psychology of Propaganda

Leaders: William Cummings, Catholic University of America, and Malachy Sullivan, St. Benedict's College, Atchinson, Kansas.

History of Philosophy

Problem: The Relations Between Ethics and Politics According to Aristotle and St. Thomas.

Leaders: Charles O'Neil, and Emmanuel Chapman.

At the annual dinner in addition to the Presidential Address, "The Political Philosopher" by President William P. O'Connor, St. Francis Seminary, St. Francis, Wisconsin, Monsignor Fulton J. Sheen of Catholic University will be a speaker on a subject to be decided upon at a later date. Tentatively also, Dr. Heinrich Breuning of Harvard University and formerly Chancellor of the German Republic, is scheduled to be a speaker at the annual dinner.

The Secretary requests that all who read papers including the leaders of the sectional meetings file a brief summary of their paper not longer than 150 words with the Secretary of the Association at Catholic University not later than November 1. The Secretary expects to publish these summaries in the January issue of "The New Scholasticism" which is planned for distribution approximately ten days before the annual meeting. Cooperation in this matter will be greatly appreciated. Accomodations for the annual meeting are being arranged for on the campus of Catholic University for the members of the Association who wish to avail themselves of this service. The meeting of the Association will be a closing function of the Golden Jubilee of Catholic University.

BOOKS AND PERIODICALS RECEIVED

BOOKS RECEIVED

Bentley, John Edward. *Outline of Philosophy.* New York: Longmans, Green and Co., 1939. Pp. iv + 158.

Bowman, Archibald Allan. *A Sacramental Universe.* Princeton, N. J.: Princeton University Press, 1939. Pp. xxviii + 428.

Campanella, Tommaso. *Quod Reminiscentur.* Padova: Casa Editrice Dott. Antonio Milani, 1939. Pp. 270.

Campo, Mariano. *Cristiano Wolff e il Razionalismo Precritico.* Milano: Società Editrice "Vita e Pensiero." Pubblicazioni dell'Università Cattolica del S. Cuore, Serie Prima, Vol. XXX, 1939. Tomo primo xix + 389; Tomo Secundo xii + 393-684.

Ellerbeck, P. *Een Geval Van Schijndoofheid.* Nijmegen-Utrecht: Dekker & Van de Vegt. N. V., 1939. Pp. xi + 158.

Esser, Gerard. *Cosmologia.* Techny, Illinois: Mission Press, 1939. Pp. xix + 357.

Garvey, Sister Mary Patricia. *Saint Augustine: Christian or Neo-Platonist?* Milwaukee: Marquette University Press, 1939. Pp. 267.

Grabmann, Martin. *Methoden und Hilfsmittel des Aristotelesstudiums im Mittelalter.* München: Verlag der Bayerischen Akademie der Wissenschaften in Kommission bei der C. H. Beck'schen Verlagsbuchhandlung, 1939. Pp. 198.

Grasso, Ioannes Lo. *Ecclesia et Status.* Romae: Apud Aedes Universitatis Gregorianae, 1939. Pp. xviii + 345.

Jolivet, Regis. Traite de Philosophie I. *Logique: Cosmologie.* Lyon-Paris: Emmanuel Vitte, 1939. Pp. 455.

Junk, Nilolaus. *Die Bewegungslehre des Franz Suarez.* Leipzig: Verlag Felizian Rauch, Innsbruck, 1938. Pp. 72.

Lachance, Louis. *L'Humanisme Politique de Saint Thomas.* Tome I, II. Ottawa: Editions du Lévrier, 1939. Pp. 746.

McFadden, Charles J. *The Philosophy of Communism.* New York: Benziger Bros., Inc., 1939. Pp. xx + 345.

Matchette, Franklin J. *A Preview of the Absolute-Relative Theory.* Vol. I, No. 2. New York: Published by the author, 1939.

Moore, Thomas Verner. *Cognitive Psychology.* Philadelphia: Lippincott Co., 1939. Pp. viii + 636.

O'Brien, Sister Mary Consilia. *The Antecedents of Being.* Washington, D. C.: The Catholic University of America Press, 1939. Pp. viii + 202.

O'Connor, Edward M. *Potentiality and Energy.* Washington, D. C.: The Catholic University of America Press, 1939. Pp. 120.

Osgniach, Augustine J. *The Analysis of Objects or the Four Principal Categories.* New York: Joseph F. Wagner, 1939. Pp. xvii + 302.

Pegis, Anton C. *Saint Thomas and the Greeks.* (The Aquinas Lecture, 1939). Milwaukee: Marquette University Press, 1939. Pp. 107.

Rast, Maximilianus. *Theologia Naturalis.* Friburgi (Germaniae): Herder & Co., 1939. Pp. xiv + 245.

Rosenmöller, Bernhard. *Religions Philosophie.* Münster in Westf.: Aschendorffsche Verlagsbuchhandlung, 1939. Pp. iv + 168.

Rovighi, Sofia Vanni. *La Filosofia di Edmund Husserl.* Milano: Società Editrice "Vita e Pensiero." Pubblicazioni dell'Universita Cattolica del S. Cuore, Vol. XXXI, 1939. Pp. viii + 173.

Sargent, Daniel. *Our Land and Our Lady.* New York: Longmans, Green & Co., 1939. Pp. v + 263.

Spalding, Eugenia Kennedy. *Professional Adjustments in Nursing.* Philadelphia: J. B. Lippincott Co., 1939. Pp. xxi + 436.

Wiley, Thomas E. *Community Structure.* St. Louis, Mo.: B. Herder Book Co., 1939. Pp. xvi + 355.

PERIODICALS RECEIVED

Archivum Franciscanum Historicum. Annus XXXI. Fasc. III-IV. Jul.-Dec. 1939.

Archivum Fratrum Praedicatorum. Vol. IX. 1939.

Angelicum. Vol. XVI. Fasc. 3. 1939.

Anglican Theological Review. Vol. XXI, No. 3. July, 1939.

Antonianum. Annus XIV. Fasc. 3, July, 1939.

Christus. Ano 4. Nos. 44, 45, 46, 47, 1939.

Collectanea Franciscana. Annus IX. Fasc. III. July, 1939.

Divus Thomas. 17 Band, 2 Heft. Juni, 1939.

Divus Thomas (Piacenza). (XVI Ser. IIIae). Jul.-Aug., 1939.

Estudios. Ano 29, Tomo 61; Nos. 335, 336, 337.

Ethics. Vol. XLIX, No. 4. July, 1939.

Fasciculos de La Biblioteca. Facultades de Filosofia y Teologia San Miguel. Ano III. Vol. II. Fasc. 1. 1939.

Gregorianum. Anno XX. Vol. XX. Fasc. II. 1939.

Journal of Applied Psychology. Vol. XXIII, No. 3, June; No. 4, August, 1939.

Journal of Symbolic Logic. Vol. 4, No. 3, September 1939.

La Civiltà Cattolica. Anno 90. Vol. III. Quaderno 2136, 2137, 2138, 2139, 2140, 2141, 2142.

Nouvelle Revue Théologique. 71 Annee. Tome 66. No. 6. Juin 1939; No. 7. Jul.-Aug. 1939.

Philosophy. Vol. XIV. No. 55. July, 1939.

Philosophisches Jahrbuch. 52. Band—3. Heft. 1939.

Recherches de Théologie ancienne et médiévale. Onzième Année, July, 1939.
Revue de l'Université d'Ottawa. Vol. IX. No. 4. Oct.-Dec. 1939.
Revue d'Histoire de la Philosophe et d'Histoire Générale de la Civilisation. Fasc. 26. Avril-Juin, 1939.
Revue Néoscolastique de Philosophie. Tome 42 (Deuxième série, No. 63). Aout, 1939.
Revista de Educacion. No. 3. Mayo-Junio, 1939.
Rivista di Filosofia Neo-Scolastica. Anno XXXI. Fasc. III. Maggio 1939. XVII.
Rivista di Filosofia. Anno XXX. No. 3. Luglio-Settembre 1939.
Scholastik. XIV. Jahrgang. Heft 3. 1939.
Speculum. Vol. XIV, No. 3, July, 1939.
Studies. An Irish Quarterly Review. Vol. XXVIII, No. 111. Sept. 1939.
Sustancia. Ano I. No. 1. Junio, 1939.
Theoria. Vol. V. 1939, Part I and II.
The Harvard Theological Review. Vol. XXXII, No. 3. July, 1939.
The Personalist. Vol. XX, No. 4, 1939.
The Philosophical Review. Vol. XLVIII, Nos. 4 and 5. 1939.
The Review of Politics. Vol. I, No. 2. 1939.
The Thomist. Vol. I, No. 2. July, 1939; No. 3. Oct., 1939.
Unitas. Vol. XVIII. No. 1. 1939.
Zeitschrift für Katholische Theologie. 63. Band. 3. Heft. 1939.

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Of THE NEW SCHOLASTICISM, published quarterly at Baltimore Md., for September 30, 1939.

District of Columbia, ss.

Before me, a Notary Public in and for the District aforesaid, personally appeared Charles A. Hart, who, having been duly sworn according to law, deposes and says that he is the Business Manager of The New Scholasticism and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc. of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, enbodied in section 411, Postal Laws and Regulations, printed on the reverse of this form, to wit:

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